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Confirmation Wars is published in cooperation with the Hoover Institution.

Benjamin Wittes is an editorial writer for the *Washington Post* and a columnist for *Atlantic Monthly*. He is the author of *Starr: A Reassessment* (2002).

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BPA INTERNATIONAL

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President Prolix

Whew! The Scrapbook just finished David Remnick's 23-page profile of Bill Clinton in the latest *New Yorker*, and we feel as though we've been subjected to one of the ex-president's infamous, hours-long, rambling, exhausting soliloquies.

Remnick accompanied Clinton to New Hampshire, Germany, and what seems like most of Africa, dutifully transcribing the 42nd president's thoughts on a variety of topics, including, though not limited to, the Bush administration ("Nixon was a Communist compared to this crowd"); presidential advisers ("I am sick of Karl Rove's bull—t"); African Americans ("I know how black folks think"); Vladimir Putin ("One sly dog"); coffee ("This stuff doesn't really have an effect on me, I guess"); his critics ("If you only knew how many millions of Republicans wanted me to go to jail"); his wife's presidential ambitions ("I don't know if she can win if she runs"); the 2000 Gore campaign ("He won, that's crystal clear to me"); President George W. Bush and the American right ("He made up his mind that he'd never lose it. Kind of like George Wallace did when he was beaten for governor"); Pulitzer Prize-winning investigative journalist—and former Remnick colleague—Susan Schmidt of the *Washington Post* ("A Xerox machine for Ken Starr"); and . . . bonobo apes.

No kidding. The bonobo apes, Zoo-keeper Bill wistfully explains, have "the most incredibly developed social sense." You see, "when one of them makes a kill, they share the food, unlike all the other apes." Afterward, "They fall to the ground and have group sex! It's a way of relieving aggression!" Clinton thinks this "would drive the Christian right crazy!"

Remnick's article, entitled "The Wanderer," provides an update not only on Clinton's post-presidential activities, but also on the incipient campaign to elect his wife, the junior senator from New York, to the presidency. But the piece is much more than that. It's also about the what-if fantasies of Clintonites. As Remnick sees it, Clinton

> had to live with the fact that he had hurt Al Gore in the 2000 election, thereby jeopardizing his Presidential legacy—and, as it turned out, so much else. Not a few people made the calculation that if Monica Lewinsky hadn't been on pizza duty during the government shutdown of 1995 (and Clinton not so predisposed to share the snack) there might never have been a Bush Presidency at all, or a hyped case for war in Iraq, a botched occupation, a skyrocketing budget deficit, a morally and bureaucratically bungled reaction to Hurricane Katrina, and a loss of American prestige around the world.

Still, there's one scene in "The Wanderer" that's worth the whole piece. Late in the trip to Africa, Remnick accompanies Clinton and his staff to Abuja, the capital of Nigeria, to meet local strongman Olusegun Obasanjo. That morning Clinton "was worn out and in a foul mood." Since the Nigerians would allow only one vehicle inside the presidential palace, Clinton and his entourage all had to ride in "one white van." Outside the weather was "hot and steamy." The van was cramped and stuffy and the windows were all closed. Then, "unaccountably," Clinton

> absently reached up and, with a flick, shut off the air-conditioning. Very soon the air inside the van was stale and overheated. [Clinton aide Eric] Nonacs didn't realize who had shut off the air and said, "Hey, isn't there any air in here? What's the air-conditioning situ—" He was in mid-syllable when [Clintonite Ira] Magaziner and [former Clinton chief of staff John] Podesta turned to him, their eyes wide. Nonacs, thankfully, was quick to understand. We rode another half hour until finally someone intuited that Clinton's mood had passed and a brave soul turned on the A.C. Clinton did not notice. The weather had changed.

All of which, we think, tells you more about Clinton and his courtiers—journalistic and otherwise—than 23 pages in the *New Yorker*. ♦

Oriana Fallaci, 1929-2006

Oriana Fallaci, who in the 1970s was probably the most famous journalist in the world, died at 77 in her native Florence on Friday. She spent the last decades of her life in New York, and in 2001 wrote *The Rage and the Pride*—a bold, book-length attack on the jihadist ideology of Osama bin Laden that became a worldwide bestseller.

It first appeared in the Italian daily *Corriere della Sera* just 18 days after September 11, in what must have been a Herculean writing effort for a woman already suffering from cancer. That was at a time when Americans were still figuring out what kind of war they were in and Europeans were already beginning to waver. The Scrapbook did not share all of Fallaci's views. Her dismissal of Muslim culture as having little of value beyond Averroës and Omar Khayyam was intemperate and indefensible. But neither would we use a few slips as an excuse to sidestep her powerful argument: that politi-

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cal Islam was an enemy irreconcilable with European culture, no matter how hard the West's gullible elites might struggle to "understand" it.

To say such things was an act of moral courage. For that, as much as for her book's analyses, Fallaci will be remembered, and will deserve to be remembered. ♦

What's Your Excuse?

The Scrapbook was terrified and delighted to meet R. Lee Ermey last week when the actor (a retired Marine best known as the drill instructor in *Full Metal Jacket*) was in town promoting a worthy cause called Unmet Needs. When Ermey served in Vietnam, he explains, most of his men were young and unmarried. Today, many more of our men and women in uniform, activated through the reserves, are married and have children. "They've left jobs paying $3,000 a month for $1,000 a month in the military—just enough to pay the mortgage." Or less. In some cases, families have had to struggle to pay the bills. "They do everything they can to put food on the table," says Ermey, "but sometimes it's not enough."

After visiting the troops in Iraq and Afghanistan, the gunnery sergeant was moved to help, ultimately becoming the spokesman for Unmet Needs, whose existence is made possible by the Veterans of Foreign Wars and the Vermont-American company (makers of power-tool parts). Ermey promises "every cent goes to the families of the troops" who have had their tours extended. If families need home or car repairs, Unmet Needs is there to buy the parts while volunteers lend their expertise—thus saving them the costs of labor. Ermey proudly reports Unmet Needs has already saved 90 families of soldiers from eviction.

"People come up to me all the time and say they support the troops. I ask them how," quips Ermey. "They stop and think and say, um, 'I don't say anything bad about them.'" Then the old drill master squints and says, "Well, that's nice." At which point The Scrapbook braced itself for a code red beating. Instead, Ermey kindly suggested supporting Unmet Needs. Their website is *www.unmetneeds.com*. And, lest you be asked what is your major malfunction and ordered to choke yourself, we recommend you check it out on the double. ♦

Dept. of Mixed Metaphors

"While it's hard to judge now whether this movement will have legs, the fact that the book hit the *New York Times* bestseller list in March and continues selling like hot cakes suggests that its message is striking a chord with lots of Americans."

—Amy Alexander on Tavis Smiley's *The Covenant with Black America*, in the Sept. 18, 2006, issue of the *Nation*

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Casual

In My Solitude

One Saturday a few weeks back, my wife and I had a rough morning. I don't remember the exact reason, but it had something to do with the upstairs bathroom. The toilet and shower had been out of commission for much of the summer owing to a remodeling that afterwards made the rest of our little house look rundown by comparison. Anyway, I had to run off to do some urgent, paying, not entirely vainglorious freelance work that in its own modest way would contribute to the financing of not-so-little extras like our new bathroom. Apparently I'd forgotten to warn Cynthia about this, and the news of my taking the afternoon off and leaving her alone with our two screaming children came as a blow to her.

I suggested, not meaning to be impertinent, that she take the kids for a walk while I went to fulfill my literary duties. In a great huff, she strapped our infant into one of those marsupial contraptions and locked the three-year-old into the stroller, and they were gone. I got into the family car to drive to my meeting. But as I pulled away from the curb, I realized this was no way to leave things. Two blocks from home I caught up with Cynthia and the kids.

I got out of the car, walked over to her, and said: "Look, I love you dearly, and I'm sorry that I have to run off, but I'll be back as soon as possible." A forgiving look passed over her features. Then I added: "In my favor, I did clean up the mess in the kitchen and take care of that business with the painters."

She hadn't known about either of these accomplishments, so even if my timing was imperfect, the information should have been of some interest. And it was—except that one phrase got mangled as it made the trip from my mouth to my wife's ear: "in my favor." She thought I was calling my performance of household duties a favor to her, as I discovered only later. There on the sidewalk, with the car running a few feet away and our puzzled children looking on, I waited for her to say it was okay for me to go.

Instead, the look of forgiveness vanished from her face, and she stormed off again.

The wrong word can ruin everything, as George Allen of "macaca" fame has learned. Even the right word indifferently pronounced or just plain heard wrong can backfire. I'm reminded of a girlfriend I once had—a mere high school sweetheart, I hasten to emphasize, which is nothing remotely like a wife, needless to say—and an evening we spent together that was marred by a similar misunderstanding.

We were going out to dinner, and I was feeling down. A teenager, I generally found no shortage of reasons for feeling down. That night, my girlfriend was feeling down, too, possibly because her boyfriend always split the dinner bill with her, he having only a modest part-time job in a delicatessen.

As we walked to the restaurant, she asked, in the elliptical manner we always used, "What do you want?" She meant: What did I want from her, from life, from God, from the future? With her, "What do I want?" was a question about all that I had ever wanted or would ever want.

Feeling a little forlorn at that moment, I said, "Solidarity." I meant that all I ever wanted or would ever want was her company and some relief from this sense of personal alienation from everyone and everything that had ever existed or would ever exist.

But she heard something different, a different word, in fact. She heard me say "solitude." She thought her forlorn, depressive teenage boyfriend was saying he wanted to be alone.

The effect of the wrong word may be delayed. No doubt the young man insulted by Sen. Allen had to go find a dictionary and look up macaca (as I did) in order to discover the offense, possibly hours later.

My girlfriend in the above scene showed no response until we were halfway through dinner—at a restaurant, by the way, that was much nicer than the short-order diners where we usually ate together. She had an appetizer, and then, as we were waiting for our entrees to arrive, she picked up her pocketbook and left the table.

I assumed she was heading to the ladies' room, but next thing I knew she was blowing through the swinging front door of the restaurant and hailing a cab.

She had decided (as she explained, laughing, the next day on the phone) that if I wanted to be alone, well then she was going home.

A girlfriend can do that. A wife, of course, can't. Her home is your home, and even when she's peeved, she can't wait for you to get back. To take care of the screaming kids.

David Skinner

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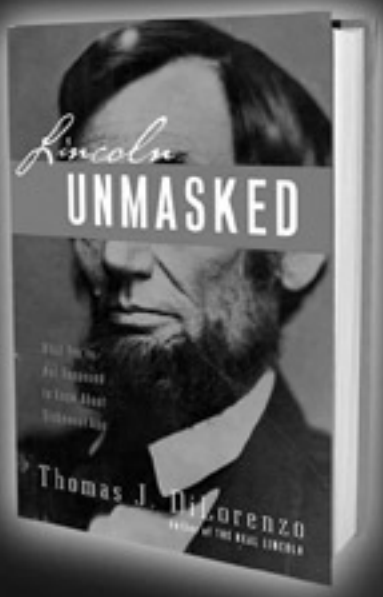

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the weekly Standard

The Trap

"It [the 2006 election campaign] shouldn't be about national security."
—House Democratic Leader Nancy Pelosi, Sept. 14, 2006

Too bad. It will be. On September 6, 2006, President Bush set the trap. He spoke in the East Room of the White House on the war on terror. He announced that 14 terrorist leaders and operatives, who had been held and questioned by the Central Intelligence Agency outside the United States, were being transferred to Guantánamo. He outlined some of the information acquired from the interrogations of men like Khalid Sheik Mohammed, and explained that this information had contributed to disrupting terrorist plots here and abroad. In light of the Supreme Court's *Hamdan* decision, the president asked Congress to pass legislation that would put this interrogation program, and trials before military tribunals for captured terrorists, on a surer legal footing.

On the morning of September 14, in Room 222 of the Russell Senate Office Building, the Democrats marched into the trap. The Democratic members of the Senate Armed Services committee unanimously turned their back on Bush's proposed legislation. They reported out of committee, by a vote of 15-9, alternative language.

The next day, the president sprung the trap. He strongly reiterated his judgment that the bill reported out of the Senate Armed Services committee failed to provide sufficient clarity to guide personnel involved in questioning detained terrorists, and exposed such personnel to possible legal liability. The president said he would follow the advice of CIA director Michael Hayden not to continue the interrogations in such a murky legal environment. As the president put it, "Congress has got a decision to make. Do you want the program to go forward or not? I strongly recommend that this program go forward in order for us to be able to protect America."

The president has a sound substantive position. Some legislation is needed (at least arguably) because of the Supreme Court's (ill-advised) *Hamdan* decision. That decision suggests that detained terrorists might enjoy the protection of the vague Article 3 standards of the Geneva Convention. CIA agents could not, therefore, use short-of-torture interrogation techniques that might be thought "humiliating and degrading." Unless the CIA were to abandon all techniques that a judge might construe as contrary to Article 3, the door would be open for agents to be held legally liable. The Bush-backed legislation would stipulate that compliance with U.S. law would constitute fulfillment of our obligations under Geneva. This would permit an effective interrogation program to go forward with confidence.

But the president has an even better political position. There is now a clear and live contrast between Bush and the Democrats on an important issue in the war on terror.

Wait a minute, you say—it's not just Democrats who oppose Bush. Four Republicans joined the Democratic senators—John McCain, John Warner, Lindsey Graham, and Susan Collins. Colin Powell is with them. So the Democrats have cover.

No, they don't. The fact that McCain has badly damaged his 2008 presidential chances doesn't mean the Democrats can't be hurt in 2006. True, there could be a dozen GOP votes for the Democratic alternative on the floor of the Senate next week. There were a dozen Democratic votes for Bush's tax cuts in 2001. It didn't prevent Republicans from distinguishing themselves from Democrats on taxes. A few defections won't prevent Republicans from saying—truthfully—that there is a real difference between the two parties on the war on terror, and that they stand with Bush and against Harry Reid and Nancy Pelosi.

Democratic candidates will respond that McCain also stands with them. It won't help. The American people don't agree with McCain on this. And they're not going to be persuaded by some of the arguments made by Bush's critics. Let Democratic candidates try to argue that, unless we go even further than required by the 2005 legislation sponsored by McCain (which Bush's proposal embraces), al Qaeda might react by not treating Americans decently. Let Democratic candidates try to defend the notion that we'll get lots of credit in Europe by going the extra mile—as if the 2005 detainees legislation generated any good will there. Let Democratic candidates align themselves with world opinion (as interpreted by Colin Powell), and join in expressing doubt about "the moral basis of our fight against terrorism."

The key political fact is this: A GOP candidate can say he will vote to authorize interrogations that CIA director Hayden (no partisan gunslinger) says are important. The Democrats, by contrast, support legislation that would bring such interrogations to a stop. It looks as if the 2006 campaign will be, at least in part, about national security.

—*William Kristol*

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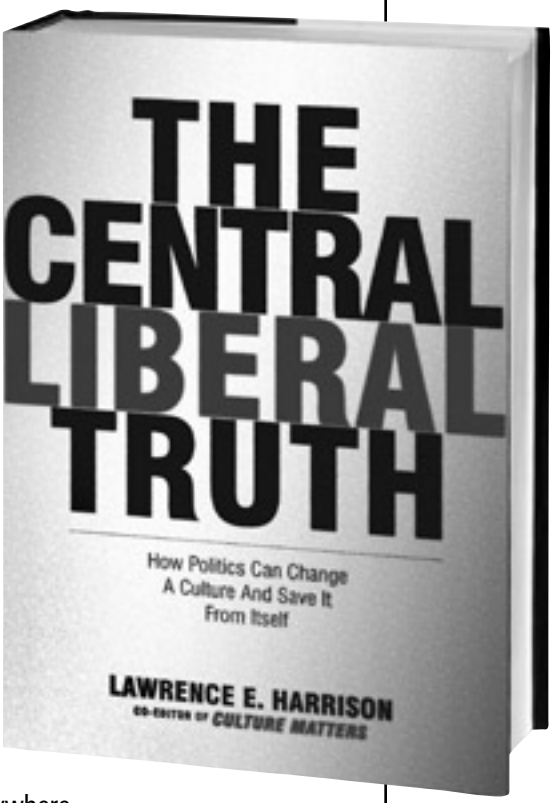

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Saddam's Man in Niger

What was the Iraqi regime's nuclear expert doing in Africa? BY CHRISTOPHER HITCHENS

LET US CREDIT the Senate Intelligence Committee with almost getting the name right. On pages 25-26 of its latest report appears the following:

> The head of Iraq's pre-1991 nuclear weapons program, Ja'far Diya' Ja'far, stated that after 1998, Iraq had two contacts with Niger and neither was regarding uranium. In 1999, Iraq's ambassador to the Holy See, Wissam Zahawie, traveled to Niger to invite the President of Niger to visit Iraq and, in 2001, a Nigerien minister visited Iraq to discuss purchasing petroleum. The ISG [Iraq Survey Group] recovered a draft contract between Niger and Iraq supporting the purchase of crude oil by Niger in exchange for cash.

And, on page 54 we read, under the heading "Conclusions":

> Iraq had two contacts with Niger after 1998, but neither involved the purchase of uranium. The purpose of a visit to Niger by the Iraqi ambassador to the Vatican, Wissam al-Zahawie, was to invite the president of Niger to visit Iraq. The other visit involved discussions of a Nigerien oil purchase from Iraq.

Christopher Hitchens is a columnist for Vanity Fair.

Since the report does not trouble to supply any reasoning from the evidence to its conclusions, we are left to infer that there is nothing odd about Saddam Hussein's envoy (to the Vatican) paying a visit to Niger, and nothing unusual about Niger's desire to buy ("for cash") crude oil from a country under international sanctions that is much less close and convenient a source of oil than, say, its neighbors Nigeria and Algeria.

It takes only a very little work to find that neither of these assumptions is a safe one. To begin with, we do not owe the information about Wissam al-Zahawie's visit to Ja'far Diya' Ja'far, and we have no good reason to think that "the head of Iraq's pre-1991 nuclear weapons program" would in any case have special knowledge about Saddam Hussein's diplomacy in 1999. (Unless of course that diplomacy had something to do with nuclear matters.) The name of Zahawie was the original red flag that alerted British intelligence to the possibility of untoward Iraqi activity in West Africa, and thus precipitated the tip-off to Washington that ignited the dispute over evidence that still preoccupies us. *At no stage* does the committee's report give even a hint of what the nature of this concern might have been, so I shall begin by filling in that huge blank.

Ambassador Rolf Ekeus is quite possibly the world's most distinguished international civil servant when it comes to questions of disarmament and nonproliferation. A founder of the Stockholm International Peace Research Institute, and a former ambassador of Sweden to the United Nations and to the United States, he has made the subject a lifelong specialty. Appointed by the U.N. to head the UNSCOM inspection team after the end of the first Gulf war, he is credited with uncovering, identifying, and destroying more covert Iraqi weaponry than had been taken out by the war itself.

So widely recognized was the quality of his performance that, when inspections were proposed again in 2000, even Kofi Annan proposed renominating him for the task. (The appointment of Ekeus was overruled by France and Russia, who insisted on Hans Blix.) I might add that the experience also introduced Ekeus to what might be called the underside of Iraqi tactics on WMD: He was once offered a straight bribe of $2.5 million, to his face, by Saddam's deputy Tariq Aziz, and he took part in the debriefing of the Kamel brothers—Saddam's in-laws—when they defected from Iraq in 1995 with conclusive evidence of a state-run concealment program for WMD facilities. Ekeus remembers being met by Zahawie when he first arrived in Baghdad to begin Iraq's post-1991 disarmament, and being

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told by him that, having met in the past as diplomats, they were now enemies.

"When I first heard that it was Zahawie who had been to Niger," he told me, "I thought well, then, that's it. Conclusive." I asked him if he would put his reasons in writing, and here they are:

> One of my colleagues remembers Zahawie as Iraq's delegate to the IAEA General Conference during the years 1982-84. One item on the agenda was the diplomatic and political fall-out of Israel's destruction of the Osirak reactor (a centerpiece of Iraq's nuclear weapons ambitions). . . . He was the under-secretary of the foreign ministry selected by Baghdad to represent Iraq on the most sensitive issue, the question of Iraq's nuclear weapons ambitions. His participation as leader of the Iraqi delegation to the 1995 Non-Proliferation Treaty Review Conference merely confirms his standing as Iraq's top negotiator on nuclear weapons issues.

In other words, Zahawie was no ordinary diplomat, and his background was well known to those who study these things. (In a correspondence with Zahawie elicited by what I wrote about him in *Slate*, he has confirmed to me his participation in those nuclear-related conferences.)

It may have occurred to you to ask—as the committee resolutely does not ask itself—why it was that such a man was posted to the Holy See, and why Saddam Hussein's ambassador to *the Vatican* was sent to a small West African country in February 1999. Well, in that year every other Iraqi embassy in Western Europe was closed, or downgraded to "interest section" level, and the Holy See was the only exception. As Ekeus added to me in his letter: "A resident ambassador in Rome was ideally placed to undertake discreet and sensitive missions, especially as he was fully plugged into the intricacies of nuclear weapons diplomacy."

How does Wissam al-Zahawie himself answer the question: What is a diplomat so senior—with or without nuclear experience—doing on a mission to a country to which he is not accredited? He has given two answers. On the nuclear issue, he stated to Hassan Fattah, then of *Time* magazine and now of the *New York Times*, that he did not know that Niger produced for export the only thing that it does produce for export, namely uranium "yellowcake." This claim I think we can safely describe as risibly untrue. Trying another tack, he now says that the purpose of his trip was to persuade Niger's president to break the U.N. embargo on official flights to Baghdad, and to pay a personal visit there. This only raises the same question in a different form. Why send Iraq's only fully accredited European ambassador such a long way on such a mission? And what were Saddam Hussein and the Nigerien president supposed to discuss if such a visit were to come off? The price of goats? Finally, it's worth noting that even the announced purpose of the visit was to circumvent U.N. sanctions, if only on a small matter.

Then there is the question of timing. In February 1999, when Zahawie's visit took place, Saddam Hussein had only just expelled the U.N. weapons inspectors from Iraqi soil, and had in consequence suffered a December 1998 bombing from the Clinton administration. Iraq has yellowcake of its own but had bought extra supplies from Niger as early as 1981: It might have seemed a propitious moment to resume contact with West Africa. And this in turn raises the question: Was Niger willing to entertain offers from Iraq, or from anyone else, for what was and is its only valuable commodity?

According to Mark Huband, the national security correspondent of the *Financial Times*, in an important front-page article he wrote on June 28, 2004, the consensus among European intelligence services was that Niger was attempting to deal in yellowcake with anyone it could find, from North Korea to Iran. According to documents recovered from Saddam Hussein's office, the president of Niger proposed himself for a visit to Iraq in June 1997 (thus incidentally proving that plans for such trips can be made without sending a Vatican-based ambassador several thousand miles from his base). And according to a new book entitled *Shopping For Bombs*, by the BBC's security correspondent Gordon Corera, another visitor to Niger in that very month of February 1999 was A.Q. Khan, whose black market in nuclear materials was then unknown outside a very small circle in his home country of Pakistan. According to a diary of the journey kept by Khan's associate Abu Bakr Siddiqui and obtained by Corera, "Niger has big uranium deposits." The next year, A.Q. Khan was back in Niger's capital. So we can say with some assurance that Niger's authorities (so briefly and so leniently investigated by Joseph Wilson) seem to have given at least the impression of being open for business. The notion that Niger was eager to pay "cash" for Iraqi oil is thus made even more dubious. Iraq had plenty of cash, as well as plenty of oil. Niger is cash-poor to say the very least. What currency, or medium of exchange, did it really have to offer in return?

Since the war in Iraq began, two independent British inquiries have firmly reiterated that the original intelligence concerning Niger was sound, and has withstood careful scrutiny. (The Senate Intelligence Committee does not even refer in a footnote to the findings of these inquiries.) The waters here have been slightly muddied by the production of a crudely forged document dated July 6, 2000, purporting to show Zahawie's seal on an actual agreement for the transfer of uranium. This easily discredited fabrication has allowed many people to dismiss the whole case. But such argument is purely anachronistic: The story of Zahawie's visit was known,

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and had been passed on by London to Washington, well *before* the bogus document was circulated. And it was never alleged in George W. Bush's famous 2003 State of the Union address that Iraq had actually inked a deal, only that it had "sought" to do so. If the forgery was intended as disinformation, it is one of the more successful such efforts on record. If it was done chiefly for money, as the London *Sunday Times* has reported of two employees of the Niger embassy in Rome, it has had much the same effect.

To summarize: The Senate report gives two versions of Zahawie's name without ever once mentioning his significant background. It takes at face value his absurd claim about the supposedly innocent motive for his out-of-the-way trip. It accepts similarly bland assurances made by the government of Niger. It is unaware of the appearance of A.Q. Khan in the narrative. It does not canvass the views of our allies, or of tried-and-tested experts like Ambassador Ekeus. It offers little evidence and no argument in support of its conclusions. It is a minor disgrace, but a disgrace nevertheless. ♦

Campaigner in Chief

Can Bush help the GOP in November. He thinks so. BY FRED BARNES

CAN PRESIDENT BUSH help Republicans retain control of Congress? He thinks so. And so do more Republican candidates than you might guess, given Bush's improved but still relatively low popularity. In fact, he'll appear in many states not ordinarily viewed as Bush country: Connecticut, Illinois, Michigan, California, Ohio, just to name five. "I think I can help," Bush said at an Oval Office session last week with seven journalists. "And if I can't, Laura can." First Lady Laura Bush, who years ago told Bush she'd marry him so long as she'd never have to give a speech, has become a frequent campaigner for Republican candidates.

Bush has no illusions about his ability to persuade Democrats to vote for Republicans. But he thinks he can influence independents and drive up Republican turnout on November 7. "There are a lot of people out there that hopefully I'll be able to inspire to turn out," the president said. "There's a lot of people out there from the '04 campaign that are motivated by this administration." He didn't mention the problem he may have in persuading alienated conservatives to vote.

He cited his history, as president, of overcoming early expectations of defeat. "They said that there's no way this president," who won a close election in 2000, "can do anything in 2002." But he barnstormed for Republicans, who wound up winning two seats in the Senate and six in the House. In early 2004, when he was running for reelection, Bush said, the conventional wisdom was that "he's done, he's gone." Yet he won and Republicans picked up four Senate seats and three in the House. "Now, for most of this year, people have said there's no way [Republicans] are going" to win. Bush insisted Republicans would keep majorities in the Senate and House.

Is Bush kidding himself? Is his optimism about the midterm election merely the happy talk required of a party leader? My guess is he really believes it and doesn't take the case for a Democratic sweep seriously. Still, the consensus view of his aides is that, as things now stand, Republicans will hold the Senate and House by very narrow margins, perhaps by only two or three seats in each body. This means that, even by the calculations of his advisers, an eruption of bad news could tilt the election to Democrats.

We know the case for a Democratic resurgence: Iraq, Katrina, and puny wage gains that trail the growth in the economy and productivity. On top of those, the president's approval rating, at roughly 42 percent, is below where he stood in 2002 (low 60s) and 2004 (low 50s) and correlates with a decisive defeat for Republicans.

But Bush is correct that he can still have a large and even decisive role as an active player in the campaign. If Bush "has the ability to dominate the dialogue, he can push this election toward the Republicans even as he remains unpopular with the voters," pollster Bill McInturff told the *Wall Street Journal* last week. For one thing, because he has the biggest megaphone, he can affect what Republican chairman Ken Mehlman calls the "national conversation" that already accompanies the campaign.

The president characterized his role this way: "I can help by setting the stage, setting the agenda, reminding people of the stakes of the war we're in." Actually, he's already done so by elevating the war against Islamist terrorists as an overriding national concern and as a campaign issue. And Bush intends to devote a portion of his standard stump speech this fall to the war on terror.

His five speeches on terror in recent weeks, plus rapidly falling gasoline prices, have given Bush a boost in public opinion polls. In a private Republican survey, he jumped nine percentage points in approval of his handling of the economy, eight in

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his dealing with Iraq, and eight in his trustworthiness and honesty.

There's an inverse relationship between gas prices and presidential approval: When prices rise, approval falls, and vice versa. Bush complained at the meeting with journalists that the press has a double standard when covering gas prices. "Used to be on the front of the news," he said, when prices were soaring. One newspaper ran an arrow each day to indicate the direction of prices. "When the price was going straight up, you could see it," he said. "I knew things were getting pretty good because you can't find" the arrow anymore.

"I believe that these elections will come down to two things—one, firm belief that in order to win the war on terror, there must be a comprehensive strategy that recognizes this war is being fought on more than one front, and, two, the economy," Bush said. "The economy is in pretty good shape." His advice on how voters will judge the economy: "Watch that price of gasoline."

The president's second term slump, from which he's only now recovering, triggered the notion that Republican candidates were massively spurning Bush. It was never true. "There are many more [House] members who want the president to come in than he could ever satisfy," says House Republican whip Roy Blunt.

David McSweeney is the Republican House challenger with the best chance of ousting a Democratic incumbent. He's running against one-term Democrat Melissa Bean in a suburban Chicago district. On October 12, Bush will appear in Chicago at a recently scheduled fundraiser for McSweeney and Peter Roskam, who's running to hold the open seat in an adjoining district for Republicans.

"I support the president," says McSweeney. "When he gets out [of Washington] and speaks, good things happen." His opponent has invited former President Bill Clinton to appear in her behalf. "In my district, I'm honored to have President Bush come in," says McSweeney. "I'll take him over Bill Clinton any day." ♦

Don't Be Stupid, Be a Smarty

Come and join the Nazi party.

BY P.J. O'ROURKE

LEFT-WING LOUDMOUTH and strident anti-American Günter Grass has admitted that he was a member of the Waffen SS. This came as a shock to the socialist admirers of the German novelist, who had no idea just how National Grass's Socialism was. The *New York Times* sighed at the revelation: "For many on the left since the 1960s he has come to represent the conscience of a country with much to lament." One more thing now being Günter himself.

Never mind that we knew it already. In an interview in 2000 he'd told that same newspaper, "I belonged to the Hitler Youth, and I believed in its aims up to the end of the war."

Anyway, the Nazism of Günter Grass is out in the open. Given this, perhaps his most strident and mouthy public pronouncements should be reassessed. For example, in 1990, Grass opposed German reunification, characterizing West Germany's treatment of East Germany as "colonization." Of course he was angry. Colonization is for the Ukraine. What was needed in East Germany was *Anschluss*.

Herewith some statements by Günter Grass. What Herr Grass left unsaid has been added in italics.

On the 9/11 attacks

(quoted in *National Review*, 12/31/01)

. . . aimed at expressing an explosion of hatred towards the rich north of the world, towards a world rich, cold, and indifferent to the problems of the poor part of the globe. *The same way we had V-2s aimed at London.*

On bombing civilian targets

(from an interview in the *New York Times*, 4/8/03)

We started the first air raids of this kind, killing a city, with Guernica in the Spanish Civil War. Rotterdam, Coventry, Liverpool and London followed. Then it was done to us. What we started came back to us. But both are war crimes. *If you don't win the war*.

On the Bible

(from an interview in the *Paris Review*, Summer 1991)

The Bible teaches a bad lesson when it says that man, *rather than German*, has dominion over the fish, the fowl, the cattle, and every creeping thing. We have tried to conquer the earth, with poor results. *But there's always next time*.

On skinhead violence in Germany

(from an interview in the *New York Times*, 12/29/92)

In many ways it is an expression of their own self-hate, which was bound to happen with reunification. It is expensive. It is unsettling. And so the weakest of East and West Germany got thrown to the bottom, and they are fighting to be above somebody or really anybody. And who is beneath them? The foreigners. *Preferably the Poles*.

"Nursery Rhyme"

(from a collection of Grass's poems, 1960)

Who speaks here or keeps mum?
Here we denounce the dumb.
To speak here is to hide

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Deep reasons kept inside.
Eva Braun, be my bride.

On capitalism, Part I
(from a statement at the PEN International Congress, 1/16/86)

Is capitalism better than gulag communism? I don't think so. *Capitalism doesn't have enough gulags.*

On capitalism, Part II
(from a 1990 statement on the occasion of German reunification)

Capitalism has never been more barbaric, beast-like than after the victory over the communist system. *I was really impressed. I almost joined Rotary. It reminded me of 1941. If the Russian winter hadn't forced us back into our wolf-dens, we would have torn every man, woman, and child in Moscow limb from limb.*

On George W. Bush
(from an interview in the *New York Times*, 4/8/03)

In language he is close to Osama bin Laden. Both are always speaking about God. Both are sure that God is on their side. *Well, Odin isn't! This has been amply demonstrated in pagan ceremonies handsomely staged for the Volk.*

On American foreign policy
(from a 1980 letter signed by Grass and other German writers, urging the West German government not to allow its foreign policy to be led by . . .)

an American Government that since Vietnam has lost all right to moralize, into a policy that could lead to the destruction of all life on this planet. *Because the Americans might not have the guts to go through with it.*

On America
(quoted in the *New Republic*, 8/12/85)

. . . a country that was founded on the stolen land and genocide of Indians. *Who weren't even Jewish!*

On being a liar
(from an interview in the *Paris Review*, Summer 1991)

As a child I was a great liar. Fortunately my mother liked my lies. *To which nothing more need be added.* ♦

Defining Families Down

Marriage versus family diversity.

BY CLAUDIA ANDERSON

"THE WORST THING about public life in the United States is the harsh, ugly, barking, bad-faith-assuming, accusatory tone" of most discussion of important matters on which people disagree. So says David Blankenhorn, the unassuming and resourceful founding president of the Institute for American Values, a small think tank in New York whose annual symposium last week was devoted to the hotly contested matter of marriage and the law.

Should our laws treat marriage and cohabitation as if they were identical? Is the old conjugal view of marriage as a lifelong union of husband and wife obsolete, an impediment to our dealing with the new realities of cohabitation, late marriage, divorce, and nonmarital childbearing? Or is that old view essential to the sound rearing of the next generation? Is a marriage culture something to be revived and strengthened in our laws, or should its remnants be jettisoned in favor of laws better adapted to a culture of "close relationships" and "family diversity"?

Bringing these questions into focus was the release Thursday of a "Call to the Nation" signed by over 60 leading scholars and practitioners of family law, many of them present at the symposium. Entitled "Marriage and the Law: A Statement of Principles," it is a careful and impassioned defense of the idea that the law must support this vital social institution.

The first panel brought together a leading signatory, Mary Ann Glendon, Learned Hand Professor of Law at Harvard; a scholar who declined to sign the statement, June Carbone, of Santa Clara University School of Law; and a beleaguered voice from the front lines, Leah Sears, chief justice of the Supreme Court of Georgia.

Carbone, while endorsing much of the statement as an "aspirational model," placed her reservations in the context of sociological change over the last two centuries. Deep trends in the culture, she said, have worked to separate intimate relationships from parenthood, and she was fatalistic about the possibility of pushing sex and procreation back inside marriage. The day of "policing sexuality" (abstinence, chaperones, shotgun weddings) has given way to the day of "policing fertility" (birth control, abortion). The effort to restore the privileged status of marriage, she implied, is not only futile but foolish.

Yet something has to give. In the 15 years Leah Sears has served on Georgia's high court, she has watched with alarm as its domestic-relations caseload has risen from 20 percent of all criminal and civil cases to 65 percent. And that doesn't include the fallout from family breakdown in juvenile court. Georgia's underfunded courts are swamped, she says—and, worse, they "are not the proper venue to solve our family problems."

Sears, who studied human ecology at Cornell in the early 1970s, was searching for some source of constructive thinking about this problem when she "stumbled upon" the work of the Institute for American Values on the web. She attended last year's symposium, and came away, she said, "transformed, energized." By July 2006, her court had set up a Commission on Children, Marriage and Family Law to

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study "the legal issues associated with the fragmentation of our families." Its first white paper can already be read at *www.gasupreme.us*.

Some of the particular points of controversy in family law emerged in the second panel. In 2002, the influential American Law Institute published a complex, thousand-page document, *Principles of the Law of Family Dissolution*, advocating the promotion of family diversity. With help from the Institute for American Values, a collection of essays responding to the ALI has just been published under the title *Reconceiving the Family*. The editor of the volume, Robin Fretwell Wilson of the University of Maryland School of Law, and several other contributors were on the panel.

One area of contention is the rights of a "de facto parent." This is an adult not related to a child by birth or marriage, but who has lived in the child's home and established a parent-like relationship with the child. When a cohabiting relationship breaks up, what should be this person's rights to property and custody?

The ALI would treat de facto parents almost the same as legal parents. It would grant them rights if they met certain criteria, including performing half of certain caretaking tasks (driving the child to doctor's appointments, reading to the child, making decisions about its education, and so on) over a stipulated period such as two years. Absent from the ALI's criteria is any attempt to measure the quality of the relationship between the adult and the child—whether it is loving and trustful. This is a cause for concern, argues Wilson, given the well-established overrepresentation of mothers' boyfriends among abusers of children.

Similarly, Marie T. Reilly, of the Penn State Dickinson School of Law, deplored the blurring of the line between family and nonfamily relationships. "It is true and ubiquitous in our legal system that family claimants have priority over others," she said. Drawing on a background in economics, she noted, "When creditors come knocking, it matters desperately who are my family."

It was another judge—Jean Toal, chief justice of the Supreme Court of South Carolina—who further illuminated the danger of treating marriage and cohabitation the same in law. When a marriage is entered into, two people publicly state their mutual commitment. Even a common law marriage in South Carolina requires the "mutual intent to live together as husband and wife" and can be dissolved in the eyes of the state only by divorce.

But cohabitation is different. It is often entered into without any intention of permanence or clearly understood mutual obligations. Is it wise to heap onto these vaguer, weaker alliances the rights and obligations of marriage? On the contrary, Toal argued, it is marriage that needs to be revalued. "We need to empower this special relationship."

Toal's point made for a natural segue to the luncheon address by Don Browning, professor emeritus of ethics and the social sciences at the University of Chicago Divinity School. Family law, Browning noted, is largely concerned with family breakdown—with the "back door" of marriage. It is necessary to clarify our thinking about the "front door" of marriage—the theory of justice underlying it, and the theory of the goods of life it is intended to serve.

Browning passed in review the work of two contemporary thinkers whose accounts of marriage and family law he finds ultimately wanting—federal judge Richard Posner and feminist legal scholar Martha Fineman—before concentrating on the tradition he embraces. This is the tradition, going back to Aristotle and the Bible, that "formed the genetic code of Western family law." This tradition, he said, "is especially attentive to the good of kin altruism," parents' natural inclination to nurture and invest in their children. Marriage, in this tradition, "integrates love, passion, faithfulness, mutual help, and kin investment in an institution supported by society."

The law, he urged, must shed its "false sense of moral neutrality" and join with other branches of culture to strengthen marriage on the front end, not just manage the damage when families break down.

The symposium wrapped up with the inaugural event of a new Institute for American Values project, in which "two teams of scholars, from two different philosophical perspectives, will investigate together the future of parenthood." Meeting in public for the first time, liberal feminist Linda C. McClain of Hofstra University School of Law and McGill University's Dan Cere, director of the Institute for the Study of Marriage, Law and Culture in Toronto, discussed her new book *The Place of Families: Fostering Capacity, Equality, and Responsibility*, and the question, "Do liberalism and the family go together?"

"Family law through history was illiberal," McClain stressed; it often enshrined female subordination. To eliminate sex discrimination from the law is not to impose a new meaning on marriage, she insisted. At the same time, she favored what are clearly innovations, same-sex marriage (a subject on which the Institute for American Values takes no position and its affiliated scholars disagree) and "kinship registration," to extend legal recognition to nonmarital supportive relationships.

Cere works in Canada, in the shadow of "Beyond Conjugality," a 2001 report by the Law Commission of Canada that energetically explores disestablishing marriage in favor of supporting a wide variety of "close personal adult relationships." He expressed wariness of state intrusion into the personal sphere. He cited Locke's account of family as a pre-political institution vital to human well-being, and argued that, as in the case of religion, so in the case of marriage and family, the liberal state must exercise restraint. First, do no harm.

Pressed by David Blankenhorn to identify their most fundamental disagreement, McClain and Cere seemed to concede that the sticking point is one that has bedeviled us for some decades: whether and how men and women are different, and what that means about equality. ♦

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Out, Out Damned Blair

The drama of British politics—comedy or tragedy?

BY GERARD BAKER

THERE MAY NOT HAVE BEEN such a consequential visit involving gifts for a newborn since the Magi came upon that star shining in the east a couple of thousand years ago. On Monday, September 4, Tom Watson, a hitherto (and if there's any justice, henceforth) anonymous junior defense minister in Tony Blair's government, paid a friendly call on Gordon Brown, the brooding chancellor of the exchequer and impatient heir presumptive to the British prime ministership.

Mrs. Brown had just given birth to the couple's second child, a son, and the proud father was at the family home near Edinburgh. Despite the famous namesake, Watson is not a golfer but that weekend he was staying, as luck would have it, at the St. Andrews golf resort. Seized, it seems, with a sudden desire to share in his fellow Scot's paternal celebrations, he took the short trip to the Brown home, carrying with him a present for the baby. But, if Tony Blair's friends are to be believed, what was served up over the infant's crib that gray afternoon was not coffee and congratulations but a conspiracy that resulted in a coup against the sitting British prime minister that curtailed his term in office.

The next day Watson returned to London. Instead of getting on with what one imagines British defense ministers are supposed to do—ensuring that the beleaguered British troops in Afghanistan are properly supplied, for example—he did what comes more naturally to politicians. He orchestrated a plot. Watson penned his signature to a letter circulating among some backbench Labour MPs calling on Blair to step down.

Trouble had been brewing in the Labour ranks for months. Before he was elected to an unprecedented third term as Labour prime minister in May 2005, Blair had promised he would not seek a fourth. Instead, he said, he would serve out most of his term but make way for a successor—who the world assumes will be Brown—well in advance of the next election, due by the summer of 2010 at the latest.

But for many in the party this unusual act of self-term-limiting was not enough. His support for the U.S.-led war in Iraq had sapped Blair's popularity at home, and many in the party wanted him gone soon and replaced by Brown. The pressure intensified this summer when Blair, almost alone among European politicians, lined up with President Bush and refused to call for an immediate ceasefire between Israel and Hezbollah in the war in southern Lebanon. The prime minister's enemies within the party returned from their summer holiday demanding blood. When he gave an interview to the *Times* on September 1 insisting he would not set a date for his departure, they moved.

We shall probably never know if Watson's treachery was a direct result of the impromptu Brown baby shower, but the result was explosive. When Blair refused to bow to the MPs' demands, Watson and a half dozen others who make up the bottom link in the government food chain resigned. The following day, Brown, now also back in London, confronted Blair at 10 Downing Street about his plans. It was by all accounts a turbulent meeting that ended without resolution. Blair's friends say Brown threatened wave after wave of ministerial resignations if Blair did not give a firm, early date for his departure. Brown denies making threats, but says he did have "questions" about the prime minister's future.

The two met again later that day. And the day after that, Thursday, September 7, bowing to the pressure, Blair announced he would be gone within a year. Which most observers take to mean some time next spring, although it could happen sooner. Next week's annual Labour party conference, expected to be bloody, may accelerate the transition.

British politicians and the reporters who cover them have spent far too much of their childhood reading Shakespeare. For the last week, the political conversation has been thick with lines from *Macbeth*, *Julius Caesar*, and *Hamlet*. Though the passions on display doubtless recall those human tragedies, the prosaic but more important question is what all this means for the direction of British politics, especially from an American perspective.

What we know for sure now is that Blair, America's staunchest ally in the war on terror, in Afghanistan, Iraq, Israel-Lebanon, and elsewhere, will be gone in a matter of months. We know too that his premature departure was occasioned principally by his support for the United States. The fear among Blair's dwindling band of allies is that the post-Blair era in Britain will be marked by a decisive turn against U.S. policy.

Brown, despite continuing rumors in London last week of a counterstrike by Blairites in the party's leadership election, remains far and away the probable next prime minister. Though he has long emphasized his pro-American credentials, the Blair people worry that his now deepening

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dependence on the Labour left and the unpopularity of the Labour government may propel him to take a more openly critical stance towards America.

For now that seems unlikely. Last week, Brown again reiterated his support for the war on terror, and drew attention to his own role—as the nation's finance minister—in financing it. But from the right, too, Labour may find itself tempted toward a less pro-American position.

In a politically clever speech last week, timed, somewhat dubiously, to mark the September 11 anniversary, David Cameron, the youthful leader of a newly resurgent Conservative party, attacked the Blair government's proximity to Bush over the last five years. "We should be solid but not slavish in our friendship with America," he told a pro-American think tank. To be fair, he also dismissed anti-Americanism as "intellectual and moral surrender." But he said he was no neoconservative (what courage!) and, perhaps somewhat confusingly for an American audience, described his future foreign policy as being "liberal-conservative."

The calculation in both camps is a delicate one. As long as Bush is president, there will be little prospect of a popular pro-American policy in Britain. But both sides hope that after 2009, being a close ally of the United states will not have such toxic effects. Neither Brown nor Cameron has any desire to reorient U.K. policy away from its Atlanticist moorings, but neither has the inclination (or the courage) to follow Tony Blair in asserting firm support for the current U.S. administration.

Brown has strong links with centrist Democrats and economic and foreign policymakers from the Clinton administration. Cameron has announced that John McCain will be speaking to the Conservative party conference in Britain next month, which suggests that even by the usual standards, there will be a lot at stake for British politics and policy in the 2008 presidential election. ♦

The Weakest Linc Survives

The national GOP wins one in Rhode Island.

BY DUNCAN CURRIE

Warwick, Rhode Island

"IT'S BEEN A FILTHY RACE," says Jim McElroy, a UPS driver from Cranston, as we await the results of the Rhode Island GOP Senate primary. Though he denies any partisan interest, McElroy is here at the Crowne Plaza Hotel supporting his hometown mayor, Stephen Laffey, who over the past year has waged a grassroots challenge to incumbent Lincoln Chafee, the most liberal Republican senator.

McElroy is right: This campaign was among the nastiest Rhode Islanders could recall. The chief mud machine was the National Republican Senatorial Committee (NRSC), which spent $1.2 million trying to derail Laffey. In a series of TV ads it ripped the mayor on everything from taxes to security to immigration. A few days prior to the September 12 primary, the NRSC announced that, should Laffey win, it would pull out of Rhode Island and concede the general election. "That's ridiculous," says McElroy.

By that point, however, Laffey claimed he didn't want any NRSC aid. When I spoke to him on Monday night, just hours before the polls opened, he had one message for the committee: "Stay the heck out of Rhode Island." He sounded upbeat about his prospects but bitter about the way he'd been treated. "They have absolutely disgraced themselves," he said of the NRSC. "These are mean, vicious people." He also rebuked the White House. "The last thing that Karl Rove and his buddies want in Washington is a real reformer like myself."

This race needed no extra hype. After Lamont-Lieberman, Laffey-Chafee was already the second biggest Senate primary of 2006. Some observers portrayed it as a battle for the soul of the Republican party, though that was too sweeping. Others claimed Chafee was the canary in the coal mine: His fate would be an early warning for other GOP moderates in the Northeast. Would he survive?

Yes, and by a comfortable 8-point margin. Voter turnout, at over 62,000, made history for a GOP primary in Rhode Island, topping the previous record (of around 45,000) set in a 1994 gubernatorial race. Boosting turnout was Chafee's strategy: He encouraged Democrats to register as "independents" so they could back him against Laffey. (Rhode Island lets independents vote in party primaries.) He wound up winning by 54 percent to 46 percent.

The outcome sends a warning for both parties. On the one hand, Chafee emerges from a bruising primary and must now face a strong Democratic opponent, former state attorney general Sheldon Whitehouse. Polls show the two running about even. Rhode Island remains one of the most heavily Democratic and anti-Bush states in the country. The fact that the White House, the NRSC, the Republican National Committee, and leading GOP senators went all-out for Chafee may not help him in November. It will now be easier for Democrats to paint him as a facilitator of the "radical" Bush agenda.

On the other hand, the manner in which Chafee cut down Laffey reflects

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a well-oiled GOP turnout machine. As the *Washington Post* noted last Thursday, "Chafee's performance—combined with reports of late-starting organization and internal bickering on the Democratic side—suggest that the Republican advantage on turnout may remain intact even as many other trends are favoring the opposition." The RNC pumped over $400,000 into voter-mobilization drives, which, along with the NRSC-funded TV blitz, helped drive up Laffey's negatives and may have been the deciding factor.

Still, Rhode Island Republicans are not an especially conservative bunch, and Laffey managed to reach 46 percent despite the scorched-earth tactics of national GOP officials. Media coverage invariably dubbed him the "conservative" challenger, but the mayor eschewed that label, preferring "reformer." It might be most accurate to call him a center-right populist.

Always full of bluster, Laffey vowed to make the Bush tax cuts permanent, wean America off foreign oil, fortify the Mexican border, and rein in spending. He favored the invasion of Iraq but also suggested that Defense Secretary Donald Rumsfeld resign to ensure "accountability" for the war's mishaps. And he was pro-life, which is not an automatic disqualifier in Rhode Island, as witness the success and popularity of Republican governor Donald Carcieri (who supported Chafee in the primary).

The mayor frequently zinged Chafee as indecisive and "irrelevant," while peddling his renovation of Cranston, a city long plagued by budget woes and corruption. Laffey even compared himself to Rudy Giuliani. Many conservatives viewed him as the 2006 version of Pat Toomey, the Pennsylvania congressman who tried to wrest a GOP Senate nomination from incumbent Arlen Specter in 2004. (Toomey lost by only two points.) Laffey won endorsements from both the Club for Growth PAC and *National Review*. Steve Forbes held a fundraiser for him in Manhattan. The mayor says he also received personal checks from Arthur Laffer and William F. Buckley.

This meant little to the NRSC, which savaged Laffey as a dishonest tax hiker. "The character assassination plan that they executed was really unprecedented," says Toomey, now president of the Club for Growth. He cannot think of another primary where a Republican faced such an onslaught from the national GOP. Toomey disputes the NRSC charge that Laffey was "unelectable," though he admits Chafee is more likely to defeat Sheldon Whitehouse.

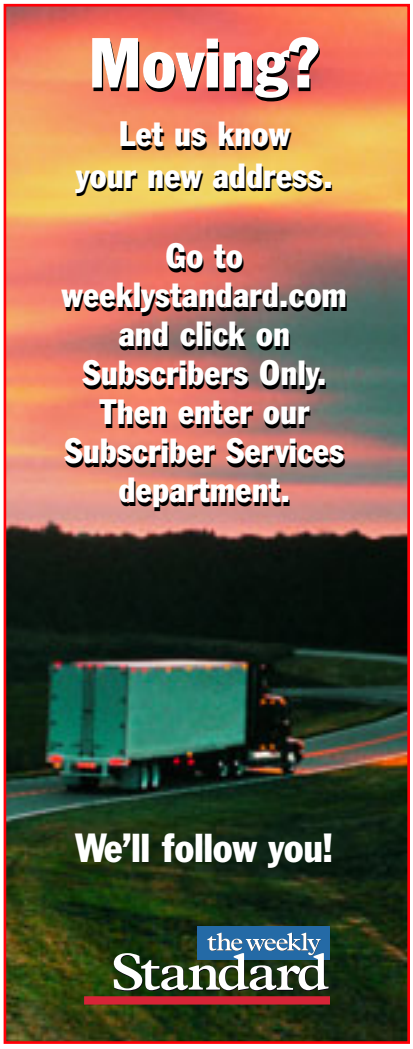
He also makes an interesting point: What if the NRSC and the RNC had spent their money attacking Whitehouse instead of Chafee? Would Laffey have won? If so, argues Toomey, Whitehouse would have been weakened and Laffey might have had real momentum. As it was, the anti-Laffey TV barrage ballooned his negatives. The Club for Growth PAC did its best to buoy the challenger, spending over $500,000 on anti-Chafee ads and contributing another $730,000 directly to Laffey's campaign.

NRSC spokesman Brian Nick respects Toomey's gripes, but insists that Laffey simply had no chance in November. (One poll released in late August found Laffey trailing Whitehouse by more than 30 points.) "I can guarantee conservatives will like a Senator Chafee more than a Senator Whitehouse," says Nick. He is hard pressed to name issues where Chafee has supported Bush and Senate Republicans, citing the John Roberts nomination and the CAFTA vote plus a few others. But Democrats were clearly rooting for a Laffey victory, stresses Nick, even running attack ads against Chafee during the primary.

In a year when control of the Senate hangs in the balance, and when Republicans expect to lose a few seats, the NRSC's robust defense of Chafee makes sense. But many of its ads were risible. Perhaps the most disingenuous carped about Laffey's tax increases in Cranston. As the mayor credibly points out, the city was on the verge of bankruptcy when he took over. Raising taxes was a virtual necessity. Toomey agrees, which is why the zealously anti-tax Club for Growth PAC endorsed Laffey anyway.

Contrast that with Chafee, who not only voted against the two big Bush tax cuts but also jacked up taxes while he was mayor of Warwick. There was no fiscal crisis in Warwick, as there was in Cranston. Moreover, Laffey signed Grover Norquist's anti-tax pledge, while Chafee refused.

Chafee also refused to support Justice Samuel Alito. But at least he didn't vote to filibuster, says the NRSC's Brian Nick. And Chafee will help Senate Republicans stay in the majority. "When our judges are going through next cycle," says Nick, "conservatives will be happy about that." Maybe. But if Chafee votes against another Bush Supreme Court pick, conservatives will howl even louder. ♦



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How Bad Is the Senate Intelligence Report?

Very bad

By Stephen F. Hayes

According to a report released September 8 by the Senate Select Committee on Intelligence, Saddam Hussein "was resistant to cooperating with al Qaeda or any other Islamist groups." It's an odd claim. Saddam Hussein's regime has a long and well-documented history of cooperating with Islamists, including al Qaeda and its affiliates.

As early as 1982, the Iraqi regime was openly supporting, training, and funding the Syrian Muslim Brotherhood, an Islamist organization opposed to the secular regime of Hafez Assad. For years, Saddam Hussein cultivated warm relations with Hassan al-Turabi, the Islamist who was the de facto leader of the Sudanese terrorist state, and a man Bill Clinton described as "a buddy of [Osama] bin Laden's."

Throughout the 1990s, the Iraqi regime hosted Popular Islamic Conferences in Baghdad, gatherings modeled after conferences Turabi hosted in Khartoum. Mark Fineman, a reporter for the *Los Angeles Times*, attended one of the conferences and filed a story about his experience on January 26, 1993. "There are delegates from the most committed Islamic organizations on Earth," he wrote. "Afghan mujahedeen (holy warriors), Palestinian militants, Sudanese fundamentalists, the Islamic Brotherhood and Pakistan's Party of Islam." *Newsweek's* Christopher Dickey attended the same conference and wrote about it in 2002. "Islamic radicals from all over the Middle East, Africa, and Asia converged on Baghdad," he wrote, "to show their solidarity with Iraq in the face of American aggression. . . . Every time I hear diplomats and politicians, whether in Washington or the capitals of Europe, declare that Saddam Hussein is a 'secular Baathist ideologue' who has nothing to do with Islamists or terrorist calls to jihad, I think of that afternoon and I wonder what they're talking about. If that was not a fledgling Qaeda itself at the Rashid convention, it sure was Saddam's version of it."

Iraqi leaders frequently touted their Islamist credentials. "We are blessed in this country for having the Islamic holy warrior Saddam Hussein as a leader, who is guiding the country in a religious holy war against the infidels and nonbelievers," said Izzat Ibrahim al-Douri, one of Saddam's top deputies, in an address to the terrorist confab. On August 27, 1998, 20 days after al Qaeda attacked the U.S. embassies in Africa, *Babel*, the government newspaper run by Saddam's son Uday Hussein, published an editorial proclaiming Osama bin Laden "an Arab and Islamic hero."

None of this is a secret, as the press coverage attests. But the authors of the Senate report seem determined to write it out of the history. On what basis do the authors claim that Saddam Hussein was "resistant" to cooperation with Islamists? The finding is sourced to "postwar detainee debriefs—including debriefs of Saddam Hussein and Tariq Aziz." Well then, that settles it.

But why take Saddam's word for it? This is, after all, the same man who claims that he is the president of Iraq. Even assuming the man isn't a pathological liar, isn't it the case that detainees interrogated by a government fighting a global war on terror might have an incentive to understate their complicity in global terror?

This appears to have occurred to the report's authors. "The Committee believes that the results of detainee debriefs largely comport with documentary evidence, but the Committee cannot definitively judge the accuracy of statements made by individuals in custody and cannot, in every case, confirm that detainee statements are truthful and accurate."

In fact, it's not clear that the results of the detainee debriefs do, in fact, largely comport with the documentary evidence. What is clear is that where there was a conflict, the committee almost always chose to disregard the documentary evidence in favor of the debriefings, sometimes to comical effect. According to the report, Saddam Hussein was asked whether he might cooperate with al Qaeda

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because "the enemy of the enemy is my friend." The report dutifully—and uncritically—offers his response. "Saddam answered that the United States was not Iraq's enemy. He claimed that Iraq only opposed U.S. policies."

Really? That's hard to reconcile with these instructions from Saddam Hussein in a 1993 address. "Attack them, our beloved people," Saddam ordered in a speech broadcast on Iraqi television. "You are the glory of our nation. Attack them." Or this editorial: "American and British interests, embassies, and naval ships in the Arab region should be the targets of military operations and commando attacks by Arab political forces," argued Uday Hussein's newspaper *Babel* on November 15, 1997.

A statement from Saddam's Baath party on November 8, 1998, called for "the highest levels of jihad" against American interests. "The escalation of the confrontation and the disclosure of its dimensions and the aggressive intentions now require an organized, planned, influential and conclusive enthusiasm against U.S. interests."

And Saddam Hussein celebrated the attacks on September 11, 2001. "The American cowboys are reaping the fruit of their crimes against humanity," he declared just days after the worst terrorist attack on American soil.

These are just four examples out of dozens. Despite his claims to the contrary, Saddam Hussein regarded the United States as an enemy. And for years he demonstrated his willingness to work with Islamists by, among other things, working with Islamists. The Senate report fails to provide any of this contextual balance to the denials of detained Iraqi officials. It is a revealing omission that raises serious doubts about the quality of the reporting throughout the 52 pages examining Iraq's links to al Qaeda.

There is much to quarrel with in the report. But it is worth spending a moment to consider the vast amount of information that was left out of the committee's treatment of Iraq's links to al Qaeda. A few examples:

There is no mention in the report of Abdul Rahman Yasin, an Iraqi who admitted mixing the chemicals for the bomb used in the 1993 World Trade Center attack, cited in the July 2004 Senate report as an al Qaeda operation. The mastermind of that attack, Ramzi Yousef, is the nephew of 9/11 mastermind Khalid Sheikh Mohammed. Two weeks after the bombing, according a July 2004 report issued by the same Senate Select Committee on Intelligence, Yasin fled to Iraq with Iraqi assistance. ABC News reported in 1994 that a Baghdad neighbor of Yasin's told them that he travels freely and "works for the government."

There is no mention of documents recovered in postwar Iraq confirming that the Iraqi regime provided Yasin with housing and funding after his return to Iraq until the beginning of the Iraq War in 2003. Vice President Dick Cheney has discussed these documents in television and radio interviews.

There is no mention of documents unearthed by reporters with the *Toronto Star* and the London *Telegraph*. The documents, expense reports from the Iraqi Intelligence Service, contain an exchange of memos between IIS officers about who will pay for a March 1998 trip to Baghdad by a "trusted confidante" of Osama bin Laden. The documents were provided to the U.S. intelligence community. "I have no doubt that what we found is the real thing," wrote Mitch Potter, a reporter for the *Toronto Star*, and one of the journalists who found the documents in the bombed-out headquarters of the Iraqi Intelligence Service days after the fall of Baghdad. Intelligence and military sources tell THE WEEKLY STANDARD that the documents are corroborated by telephone intercepts from March 1998.

There is no mention of documents showing that the Iraqi regime cultivated a relationship with bin Laden's chief deputy, Ayman al-Zawahiri, throughout the 1990s. *Time* magazine's Joe Klein, an Iraq War critic who is dubious of a broader Iraq-al Qaeda relationship, noted last week: "Documents indicate that Saddam had long-term, low-level ties with regional terrorist groups—including Ayman al-Zawahiri, dating back to his time with the Egyptian Muslim Brotherhood. There is strong evidence as well that elements of the Special Republican Guard ran terrorist training camps." (One quibble: Is it possible for the leader of Iraq to have "low-level" ties with the leader of Egyptian Islamic Jihad?) The 9/11 Commission reported that Zawahiri "had ties of his own to the Iraqis." In June 2003, *U.S. News & World Report* described what a defense official called a "potentially significant link" between Iraq and al Qaeda that came, at that early date, from a single source. "A captured senior member of the Mukhabarat, Iraq's intelligence service, has told interrogators about meetings between Iraqi intelligence officials and top members of the Egyptian Islamic Jihad, a group that merged with al Qaeda in the 1990s. The prisoner also described $300,000 in Iraqi transfers to the organization to pay for attacks in Egypt. The transfers were said to have been authorized by Saddam Hussein."

There is no mention of captured Iraqi documents that indicate the regime was providing financial support to Abu Sayyaf, an al Qaeda affiliate group in the Philippines. On June 6, 2001, the Iraqi ambassador to the Philippines, Salah Samarmad, faxed an eight-page report on an Abu Sayyaf kidnapping to the Iraqi Foreign Ministry. According to the fax, the Iraqi Intelligence Service had provided assistance to Abu Sayyaf, but following the high-profile

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kidnapping decided to suspend this support. According to the document: "The kidnappers were formerly (from the previous year) receiving money and purchasing combat weapons. From now on we (IIS) are not giving them this opportunity and are not on speaking terms with them."

There is no mention of alleged Iraqi complicity in Abu Sayyaf attacks in October 2002 that claimed the life of U.S. Special Forces soldier Mark Wayne Jackson. One week after that attack, Filipino authorities recovered a cell phone that was to have detonated a bomb placed on the playground of a local elementary school. The cell phone , which belonged to an Abu Sayyaf terrorist, had been used to make calls to Abu Sayyaf leaders. Investigators also discovered that the phone had also been used to call Hisham Hussein, the second secretary of the Iraqi Embassy in Manila, just 17 hours after the attack that took the life of the American soldier. Hussein was ordered out of the Philippines for his associations with terrorist groups, including Abu Sayyaf.

There is no mention of the Clinton administration's 1998 indictment of Osama bin Laden, which noted that al Qaeda had "reached an understanding with the government of Iraq that al Qaeda would not work against that government and that on particular projects, specifically including weapons development, al Qaeda would work cooperatively with the Government of Iraq." The language was dropped from a superseding indictment of bin Laden, after the August 7, 1998, East Africa embassy bombings allowed prosecutors to narrow their charges. Patrick Fitzgerald, a U.S. attorney involved in preparing the original indictment (who would later gain national prominence in the CIA leak case), testified before the 9/11 Commission. He told the panel that the claim in the indictment came from Jamal al Fadl, who told prosecutors that a senior Iraqi member of al Qaeda, Mamdouh Mahmud Salim, had worked out the agreement between Iraq and al Qaeda. According to Fitzgerald's testimony, Salim "tried to reach a sort of agreement where they wouldn't work against each other—sort of the enemy of my enemy is my friend—and that there were indications that within Sudan when al Qaeda was there, which al Qaeda left in the summer of '96, or the spring of '96, there were efforts to work on jointly acquiring weapons."

There is no mention of the Clinton administration's many public claims that Iraq was working with al Qaeda on chemical weapons development in Sudan. According to the 9/11 Commission Report, the passage in the indictment of bin Laden "led [Richard] Clarke, who for years had read intelligence reports on Iraqi-Sudanese cooperation on chemical weapons, to speculate to [National Security Adviser Sandy] Berger that a large Iraqi presence at chemical facilities in Khartoum was 'probably a direct result of the Iraq-al Qaeda agreement.' Clarke added that VX precursor traces found near al Shifa were the 'exact formula used by Iraq.'"

There is no mention of telephone intercepts, cited by a "senior intelligence official" in August 1998, connecting al Shifa officials with Emad al Ani, the father of Iraq's VX program. William Cohen, secretary of defense under Bill Clinton, reviewed the intelligence in testimony before the 9/11 Commission on March 23, 2004, and claimed that the plant owner had visited Baghdad to meet al Ani. "This particular facility [al Shifa], according to the intelligence we had at that time, had been constructed under extraordinary security circumstances, even with some surface-to-air missile capability or defense capabilities; that the plant itself had been constructed under these security measures; that the—that the plant had been funded, in part, by the so-called Military Industrial Corporation; that bin Laden had been living there; that he had, in fact, money that he had put into this Military Industrial Corporation; that the owner of the plant had traveled to Baghdad to meet with the father of the VX program."

On it goes. In addition, there are numerous omissions that could shed light on Iraq's involvement in transregional terrorism more broadly.

There is no mention of Iraqi documents first reported in a monograph published by the Joint Forces Command after 18 months' study of prewar Iraq. According to their report, called *The Iraqi Perspectives Project*:

> Beginning in 1994, the Fedayeen Saddam opened its own paramilitary training camps for volunteers, graduating more than 7,200 "good men racing full with courage and enthusiasm" in the first year. Beginning in 1998, these camps began hosting "Arab volunteers from Egypt, Palestine, Jordan, 'the Gulf,' and Syria." It is not clear from available evidence where all of these non-Iraqi volunteers who were "sacrificing for the cause" went to ply their newfound skills. Before the summer of 2002, most volunteers went home upon the completion of training. But these camps were humming with frenzied activity in the months immediately prior to the war. As late as January 2003, the volunteers participated in a special training event called the "Heroes Attack." This training event was designed in part to prepare regional Fedayeen Saddam commands to "obstruct the enemy from achieving his goal and to support keeping peace and stability in the province."

There is no mention of Iraqi documents discussing "Blessed July," a planned wave of terrorist attacks that was also first reported in *The Iraqi Perspectives Project* study.

According to the report: "The Saddam Fedayeen also took part in the regime's domestic terrorism operations and planned for attacks throughout Europe and the Middle East. In a document dated May 1999, Saddam's older son, Uday, ordered preparations for 'special operations, assassinations, and bombings, for the centers and traitor

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symbols in London, Iran and the self-ruled areas [Kurdistan].' Preparations for 'Blessed July,' a regime-directed wave of 'martyrdom' operations against targets in the West, were well under way at the time of the coalition invasion."

It is the uneven treatment of Iraqi documents that provides perhaps the best window into the mindset of the writers of the Iraq-al Qaeda section of the Senate report. The first sentence of that section reads: "The purpose of this section is to assess the accuracy of the Intelligence Community's prewar analysis on links between the regime of Saddam Hussein and al Qaeda using information collected since Operation Iraqi Freedom."

The Senate report concedes that the document exploitation process in Iraq is incomplete, but it cavalierly assures readers that nothing significant will be found. "While document exploitation continues, additional reviews of documents recovered in Iraq are unlikely to provide information that would contradict the Committee's findings or conclusions."

Such an assessment is at best premature according to intelligence officials familiar with the document exploitation project. "Given my past participation in this realm and my current status it would be imprudent to get into detail," writes Michael Tanji, a former senior Defense Intelligence Agency official who helped lead the document exploitation effort for 18 months. "Suffice it to say that when you are counting sheets of paper by hundreds-of-millions (not to mention other forms of media that have been obtained that threaten to dwarf paper holdings) and your methodology is somewhere between inadequate and woeful, saying that you have a strong grasp on what was and wasn't going on in Iraq based on an 'initial review' is akin to saying that you don't need to read the bible because you've memorized the ten commandments . . . in pig Latin."

As of March 2006, three years after the start of the Iraq War, the document exploitation project run by the Defense Intelligence Agency had fully translated fewer than 5 percent of the documents captured in postwar Iraq. The Senate report, in an apparent effort to appear more authoritative, uses a different measurement. The authors tell us that 34 million pages out of some 120 million have been "translated and summarized to some extent." Thirty-four millions pages seems like an impressive number. But think about it. Just 28 percent of captured Iraqi documents have been "translated and summarized to some extent." That is hardly the kind of exhaustive analysis that would permit meaningful conclusions.

And, in any case, there are reasons to be skeptical of those estimates. Intelligence officials familiar with the DOCEX project say that the numbers in the report are inflated in an effort to impress congressional overseers. If just the cover sheet on a 200-page document has been read once and summarized, for example, all 200 pages are counted toward the total number of documents that have been exploited "to some extent." A translator who read only the cover sheet on the eight-page fax from Manila to Baghdad would have missed the revelation that Iraq had been providing money and arms to Abu Sayyaf. But for the purposes of the Senate report, that important document would have made the list of documents "translated and summarized to some extent." The real number of fully exploited documents, according to those familiar with the DOCEX project, remains in the single digits. The report's oracular assurances—that further exploitation is "unlikely" to change our understanding of Iraqi links to al Qaeda—is both deeply revealing and deeply troubling.

Where the report isn't tendentious, it is sloppy. Key names are misspelled; it's "Shakir" on one page, and "Shakhir" on another, which might be thought trivial. But consider: The writers of the report seem not to understand that "Shaykh Salman al-Awdah" and "Shaikh Sulayman al-Udah" is the same person and that he was an important spiritual mentor to al Qaeda and its leadership. At another point, the report claims that Saddam Hussein considered al Qaeda leader Abu Musab al Zarqawi an "outlaw." In the body of the report, the claim is attributed to a senior Iraqi official; in its conclusions the same information is attributed to an "al Qaeda detainee."

Where the report isn't tendentious and sloppy, it's confused. Saddam Hussein and his cronies disclaim any relationship and yet the Senate report itself cites two authenticated documents in which the Iraqi Intelligence Service (IIS) itself discussed the "relationship" between Iraq and al Qaeda. A 1992 document notes that bin Laden is "a Saudi opposition official in Afghanistan" and claims "the Syria [IIS] section has a relationship with him." An Iraqi Intelligence document describing the connections between Iraq and al Qaeda in 1997 notes that "through dialogue and agreements we will leave the door open to further develop the relationship and cooperation between both sides."

In its conclusions, the Senate report once again sets aside this documentary evidence of a relationship between Iraq and al Qaeda and defers to the claims of Saddam Hussein and other Iraqi detainees. "Postwar findings indicate that Saddam Hussein was distrustful of al Qaeda and viewed Islamic extremists as a threat to his regime, refusing all requests from al Qaeda to provide material or operational support." Perhaps the documents don't count as "findings."

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The Senate report is rife with such selective reading of the evidence. Consider the case of Ahmed Hikmat Shakir. Here is the report's treatment of Shakir.

> The second lead centered on contact between Ahmad Hikat Shakir al-Azzawi, an Iraqi national, and [9/11] hijacker Khalid al-Mihdhar, in Malaysia in January 2000. Shakir was a part-time facilitator of Arab visitors at the Kuala Lumpur airport for the Iraqi embassy. Some information alleged that the Iraqi Embassy employee who gave Shakhir [sic] his job was a former IIS officer.
>
> The CIA assessed that Shakir, "apparently acting in his capacity as an airport facilitator, met al-Mihdhar at the airport. The two then shared a taxi to a Kuala Lumpur hotel, although airport facilitators were not responsible for providing land transportation for passengers." The two were not spotted together again. The CIA noted that Shakir's departure from Malaysia only one week after helping al-Mihdhar, "raised suspicion about his connections and intentions." The CIA added that, "Shakir's travel and past contacts linked him to a worldwide network of Sunni extremist groups and personalities including suspects in the bombing of the 1993 World Trade Center and indirectly to senior al Qaeda associates. His relationship with the embassy employee could suggest a link between Baghdad and Shakir's extremist contacts, but it could also be a case of an Iraqi expatriate finding a temporary job for a fellow national.
>
> After Shakir's capture in 2002, a foreign government service working in partnership with the CIA reported that Shakir was not affiliated with al Qaeda and had no connections to the IIS. The information said there was "no link, clue or hint to any foreign intelligence service, radical religious group or terrorist operation."

To summarize what the report acknowledges: An Iraqi national with known contacts to Sunni extremists and employed by the Iraqi Embassy in Malaysia, facilitated the travel of a 9/11 hijacker and then disappeared one week after the encounter. That alone is interesting. Now consider what the report leaves out.

Not only did Shakir abruptly leave Malaysia one week after he helped al-Mihdhar, he had begun his job at the Iraqi Embassy only two months earlier. The Iraqi Embassy controlled his schedule. Among Shakir's "contacts" with men the report describes only as "Sunni extremists" were Musab Yasin, an Iraqi who is the brother of Abdul Rahman Yasin, discussed above for his participation in the 1993 World Trade Center attack; Ibrahim Suleiman, a Kuwaiti native whose fingerprints were found on the bombmaking manuals authorities allege were used in preparation for that attack; Zahid Sheikh Mohammed, brother of Khalid Sheikh Mohammed, the mastermind of the September 11 attacks; and Abu Hajer al Iraqi, described in U.S. court documents as Osama bin Laden's "best friend."

The Senate report tells us that "some information alleged" that Shakir's Iraqi Embassy contact had been affiliated with Iraqi Intelligence. That information also came from an Iraqi detainee. Why is it treated with skepticism when the claims of other detainees are accepted as fact?

We cite the Shakir case not because it indicates that the Iraqi regime had foreknowledge or directed the 9/11 attacks. Rather, it stands as yet another example of the Senate report's selective use of evidence and the alacrity with which its authors sought to reject alleged Iraqi ties to al Qaeda.

One of the few areas where the Senate report provides new information concerns the presence of Abu Musab al Zarqawi in Iraq before the war. According to the Senate report: "A postwar CIA assessment on al-Zarqawi notes that both captured former regime documents and former regime officials show that the IIS did respond to a foreign request for assistance in finding and extraditing al-Zarqawi for his role in the murder of U.S. diplomat Lawrence [sic] Foley. In the spring of 2002, the IIS formed a 'special committee' to track down al-Zarqawi, but was unable to locate and capture him." Those documents "also show that lower-level IIS units attempted to search for the individual."

Taken together with detainee debriefings, the documents, if authentic, certainly raise questions about the Bush administration's prewar claims, backed by CIA director George Tenet, that Zarqawi was being harbored by the Iraqi regime. The Senate report quotes a 2005 CIA analysis that concluded: "The regime did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates."

The CIA report may be right. But there are several additional facts to consider in evaluating the Zarqawi-Iraq relationship, only one of which made it into the Senate report. The report notes that the Iraqi Intelligence Service received information from a foreign government service on five individuals suspected of playing a role in the assassination of U.S. AID worker Laurence Foley. One of those individuals, Abu Yasim Sayyem, was captured in early 2003.

According to the Senate report an IIS officer "was shocked when the Director of his division ordered Sayyem to be released. According to the Iraqi official, the Director of his division told him that Saddam Hussein ordered Sayyem's release." The IIS officer dismissed the possibility that the IIS was involved with al Qaeda or Zarqawi and speculated that Saddam intervened to free Sayyem because he might fight U.S. forces in the event of an invasion of Iraq.

Five additional facts not included in the Senate report

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provide important context. According to the July 2004 Senate Select Committee on Intelligence report on Iraq, Abu Zubaydah, a top-ranking al Qaeda official in U.S. custody, told interrogators "that he was not aware of a relationship between Iraq and al Qaeda" and that he found such a relationship "unlikely." Zubaydah "also said, however, that any relationship would be highly compartmented and went on to name al Qaeda members who he thought had good relations with the Iraqis." Among those he named? Abu Musab al Zarqawi. From the July 2004 Senate report: "Abu Zubaydah indicated that he had heard that an important al Qaeda associate, Abu Musab al Zarqawi, and others had good relationships with Iraqi Intelligence." As noted, detainee testimony should be treated with skepticism. But Zubaydah, who provided both good information and bad in his debriefings, was in a position to know about Zarqawi's associations. The two men planned a millennium attack on the Radisson Hotel in Amman, Jordan, in 1999.

Zarqawi received medical treatment at a Baghdad hospital known for treating senior Iraqi regime officials. (Initial reports that he had his leg amputated were wrong. Subsequent reporting suggests Zarqawi was treated for nasal problems.) In a 2005 interview with *Al-Hayat*, Jordan's King Abdullah said: "We had information that he entered Iraq from a neighboring country, where he lived, and what he was doing. We informed the Iraqi authorities about all this detailed information we had, but they didn't respond." Jordanian intelligence continues to believe that the Iraqi regime knowingly harbored Zarqawi.

Muhammad al Masari, a known al Qaeda mouthpiece, told the editor of the Arabic-language newspaper *Al-Quds Al-Arabi*, Abdel Bari Atwan, that Saddam reached out to al Qaeda—and Zarqawi—after the fall of the Taliban in 2001 and provided funding for al Qaeda operatives to relocate to Iraq. "According to Masari, Saddam saw that Islam would be key to a cohesive resistance in the event of invasion. Iraqi army commanders were ordered to become practicing Muslims and to adopt the language and spirit of the jihadis. On arrival in Iraq, Al-Qaeda operatives were put in touch with these commanders, who later facilitated the distribution of arms and money from Saddam's caches."

Finally, when Zarqawi returned to Iraq after the war, he teamed up almost immediately with a cadre of former Iraqi Intelligence officials to conduct attacks on U.S. troops and softer targets in Iraq.

Not only is the Senate report's section on Zarqawi woefully incomplete, it is contradictory. The report's conclusions echo the CIA finding: "Postwar information indicates that Saddam Hussein attempted, unsuccessfully, to locate and capture al-Zarqawi and that the regime did not have a relationship with, harbor, or turn a blind eye toward Zarqawi." That Saddam Hussein himself ordered a Zarqawi associate freed—if the IIS officer's reporting is accurate—suggests that the Iraqi regime at the very least turned a blind eye toward Zarqawi and his network.

The mainstream press has treated the Senate report as the definitive word on Iraqi links to al Qaeda. It is not. It is worth remembering that while critics of the Bush administration have long since decided that there was no relationship at all between the Iraqi regime and al Qaeda, there are many observers who continue to hold a different view. If these individuals disagree on the extent of the relationship and its meaning, they agree that there was one.

"There was no question in our minds that there was a relationship between Iraq and al Qaeda," said 9/11 Commission co-chairman Thomas Kean.

"Saddam Hussein's regime welcomed them with open arms and young al Qaeda members entered Iraq in large numbers, setting up an organization to confront the occupation," said Hudayfa Azzam, the son of bin Laden's longtime mentor Abdullah Azzam.

"I believe very strongly that Saddam had relations with al Qaeda," said former Iraqi prime minister and longtime CIA asset Ayad Allawi. "And these relations started in Sudan. We know Saddam had relationships with a lot of terrorists and international terrorism."

"What our report said really supports what the administration, in its straight presentations, has said," noted 9/11 Commissioner John Lehman. "There were numerous contacts; there's evidence of collaboration on weapons. And we found earlier, we reported earlier, that there was VX gas that was clearly from Iraq in the Sudan site that President Clinton hit. And we have significant evidence that there were contacts over the years and cooperation, although nothing that would be operational."

And late last week, following the release of the Senate report, Barham Salih, deputy prime minister of Iraq, had this to say: "The alliance between the Baathists and jihadists which sustains al Qaeda in Iraq is not new, contrary to what you may have been told." Salih continued: "I know this at first hand. Some of my friends were murdered by jihadists, by al Qaeda-affiliated operatives who had been sheltered and assisted by Saddam's regime."

Some day there will be an authoritative and richly detailed history of the nature of the relationship between the Iraqi regime of Saddam Hussein and Osama bin Laden's al Qaeda and other Islamist terror groups. This latest product of the Senate Select Committee on Intelligence is unlikely to merit even a footnote in this history. ♦

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The Case of the Missing Crime

The CIA leaker has been found. No law was broken. Why is the prosecutor still going after Scooter Libby?

By Clarice Feldman

The *New York Times* and *Washington Post* are hard at work airbrushing history to obscure their role in promoting Joseph C. Wilson's incredible tale of his Mission to Niger and subsequent fantasy of martyrdom at the hands of Karl Rove. Both add insult to injury. While minimizing their own responsibility for the three-year witchhunt for an imagined White House conspiracy, they still suggest that I. Lewis "Scooter" Libby—Vice President Cheney's former chief of staff and the only man indicted in the case—committed a crime for which he must be held accountable.

Really? It would appear that the Fourth Estate has been as inattentive to the criminal case as it was to the facts that led up to it. The case against Libby is as weak as the basis for the investigation was, and the animus that impelled it so distorted the investigative process as to make its continuation a travesty. It's long past time for Special Prosecutor Patrick Fitzgerald to do the right thing and drop the charges.

We now know that the July 2003 leak that launched this case came from the State Department, not the White House. Columnist Robert Novak wondered (as did many in Washington) why such an acid critic of the Bush administration's Iraq policy as Joe Wilson—not a spook but a retired foreign service officer and Clinton NSC staffer—had been chosen by the CIA to investigate Saddam Hussein's interest in Niger's uranium. So at the end of an hour-long interview with Colin Powell's top aide at the State Department, Richard Armitage, Novak put the question to him. Armitage replied, in so many words, here's a good nugget for your column: It was Wilson's wife's idea to send him, she works at the CIA. Novak confirmed the gossip and included it as a detail in his next column. It was, in many respects, a routine Washington transaction between a political columnist and a well-placed source. All these details, in their essentials, were known to the Justice Department by October 2003. Why, then, was a special prosecutor unleashed two months after that? Why were reporters subpoenaed, compelled to testify, even jailed? Why is Libby still under indictment and threatened with prison in a trial expected to begin next January? Let's review the origins of this sorry story.

A former envoy to Iraq, Wilson was a frequent TV guest in the weeks and months before the Iraq war, never suggesting that the Bush administration was relying on false intelligence or that he had played any role in gathering intelligence on Iraq. After appearing before a May 2, 2003, hearing of the Senate Democratic Policy Committee, he and his wife, Valerie Plame, were interviewed by Nicholas Kristof of the *New York Times*, who was interested that no WMDs had yet turned up in Iraq. Without naming his sources, Kristof reported that a former ambassador had been sent to Niger by Vice President Cheney, had "debunked" forged evidence of a Niger-Iraq uranium deal, that his report had been sent to the White House, and yet the president had repeated the phony uranium story in his State of the Union Address. All of these claims were false, but the White House was unable to mount a vigorous defense.

On July 6, 2003, with press interest piqued by Kristof's report, a similar account from the *Washington Post*'s Walter Pincus and other intimations of a possible Watergate sequel, Wilson went public as the former ambassador in an op-ed for the *New York Times*, which repeated, in somewhat muted form, the original Kristof account. Taken together, the pieces painted a picture of

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an administration that had deliberately lied to justify war in Iraq.

Wilson, as would later become clear, had never debunked anything. The forgeries had not shown up until eight months *after* his February 2002 trip to Niger. Indeed, his interviews with officials there, the Senate Intelligence Committee would later conclude, "lent more credibility, not less, to the reported Niger-Iraq uranium deal." Bush's State of the Union claim—"The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa"—was sound. But the appearance of Wilson's op-ed set Washington afire that week. The White House, in a poorly considered move, said it had been a mistake to include the claim about African uranium in the State of the Union. CIA director George Tenet publicly accepted blame. And in the midst of this appeared Novak's column, reporting that Wilson's "wife, Valerie Plame, is an agency operative" and that "two senior administration officials told me his wife suggested sending Wilson to Niger."

At this point, the *Nation*'s David Corn, a friend of Wilson's, reframed the tale, giving it a more lurid cast and a plotline that would drive media coverage—and in turn Fitzgerald's investigation—for the next three years. Valerie Plame, he reported, was a "covert agent" who had been deliberately "outed" as "thuggish" payback for her husband's brave whistle blowing. Moreover, this outing probably violated the law, placing her, intelligence agents everywhere, and national security at risk. This blonde Emma Peel-tied-to-the-railroad-tracks-by-lying-warmongers version of the story (assisted by a timely leak from the CIA that Director Tenet had referred the case to the Justice Department) led to press and congressional demands for an investigation by an outside prosecutor. The president ordered anyone in the administration who leaked this information to report it immediately to him. No one came forward. Wilson, already a media darling, looked forward to seeing "Karl Rove frog-marched out of the White House in handcuffs."

By the end of December 2003, Attorney General Ashcroft had removed himself from the case, placing it in the hands of his newly confirmed deputy James Comey, who in turn assigned the matter to a newly appointed special prosecutor, his friend U.S. Attorney Patrick Fitzgerald, to whom he granted extraordinary power over the course of the investigation.

Astonishingly, even before Ashcroft recused himself, and even before Comey appointed Fitzgerald, the Justice Department knew that Armitage was the source of the disclosure to Novak. As Corn and *Newsweek*'s Michael Isikoff learned in reporting their new book *Hubris*, Armitage knew from a description in a follow-up column Novak published on October 1, 2003, that he was Novak's primary source. "Within hours," wrote Isikoff,

> William Howard Taft IV, the State Department's legal adviser, notified a senior Justice official that Armitage had information relevant to the case. The next day, a team of FBI agents and Justice prosecutors investigating the leak questioned the deputy secretary. Armitage acknowledged that he had passed along to Novak information contained in a classified State Department memo: that Wilson's wife worked on weapons-of-mass-destruction issues at the CIA. (The memo made no reference to her undercover status.) . . . Powell, Armitage and Taft, the only three officials at the State Department who knew the story, never breathed a word of it publicly and Armitage's role remained secret.

Subsequently, according to Isikoff's account in *Newsweek*:

> Taft, the State Department lawyer, also felt obligated to inform White House counsel Alberto Gonzales. But Powell and his aides feared the White House would then leak that Armitage had been Novak's source—possibly to embarrass State Department officials who had been unenthusiastic about Bush's Iraq policy. So Taft told Gonzales the bare minimum: that the State Department had passed some information about the case to Justice. He didn't mention Armitage. Taft asked if Gonzales wanted to know the details. The president's lawyer, playing the case by the book, said no, and Taft told him nothing more. Armitage's role thus remained that rarest of Washington phenomena: a hot secret that never leaked.

In fact, Armitage had been considered the likely Novak source for months among those of us who had done extensive reporting and research on the case for the online media. For one thing, his was the only name that fit the redacted portions of the prosecution's court filings (redacted, Fitzgerald said, to protect the name and reputation "of an innocent accused"). For another, he had never denied it when asked, and he did seem to many to fit Novak's description of his source from that October 1, 2003, column as someone not in the White House and not a "partisan gunslinger."

Left unanswered in this narrative is why, with the leaker identified, Justice plowed ahead with its investigation. Political cowardice is always a possibility. The frenzied backers of Wilson would undoubtedly have accused Justice of a coverup. Animus between Justice and the White House is also a real possibility. While tensions between the White House (particularly the Office of the Vice President) and the mandarinate in the State Depart-

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ment and CIA over the Iraq war are hardly a secret, infighting between the White House and Justice is less well known, if no less real. There were bitter fights over a number of war-on-terror issues—everything from the definition of "torture," to the treatment of prisoners, to the secret NSA surveillance program—that almost certainly involved contentious relations between Justice lawyers and Cheney counsel David Addington (who would succeed Libby as chief of staff) and possibly Libby himself. Comey himself was in the middle of many of these fights from the time of his appointment as deputy attorney general on October 3, 2003—the day after Isikoff and Corn say Armitage and Taft notified Justice officials that Armitage was Novak's source—until his departure in April 2005.

Just as the fractiousness between the Department of State and CIA on the one hand and the White House and the Pentagon on the other must be considered when we weigh the reasons Tenet pushed for an investigation after the Department of Justice at first refused to proceed—presumably on the sound basis that there was no crime committed—so the tensions and animus against Cheney's office on the part of Justice must not be ignored in considering the path taken by the investigation. In both instances, the aggressive and able work of Scooter Libby on the president's behalf made him a target of those who opposed the White House view that the normal tools of law enforcement were insufficient to protect this country from further terrorist attacks.

While U.S. District Judge Reggie B. Walton has said he will not allow the Libby trial to become a trial about the war in Iraq, the prosecution most certainly appears to have been deeply influenced by the debate over the decision to go to war. Those who accused the administration of lying and deception were assumed from the outset to be "good leakers" and "whistle-blowers" deserving protection. Those, like Libby, who shared the president's views were targets to be pursued for having attempted to answer the serial lies of a prominent critic. That the original leak came from a repentant Armitage, who apparently testified that he was unaware Plame had ever been under cover, should have been a clue for the prosecution. The theory of the case in which a "thuggish" White House set out to punish Joe Wilson simply wasn't true. Instead, as noted by the astute observer Tom Maguire (who reported on the case in great detail at his website *justoneminute.typepad.com*), Fitzgerald seemed "to be investigating 'Did the White House conspire to out Ms. Plame?' rather than 'Who outed Ms. Plame?'"

This may explain the odd focus of Fitzgerald's investigation, including his outrageously prejudicial remarks at the October 28, 2005, press conference in which he announced Libby's indictment for perjury, false statements, and obstruction, as well as his decision to proceed with such a thinly justified indictment. Fitzgerald had obviously bought the Corn-generated Emma Peel-on-the-railroad-tracks fable.

"I can say," he announced that day, "that for the people who work at the CIA and work at other places, they have to expect that when they do their jobs that classified information will be protected. And they have to expect that when they do their jobs, that information about whether or not they are affiliated with the CIA will be protected. . . . I will say this. I won't touch the specific damage assessment of what specific damage was caused by her compromise"—none has ever been shown—"I won't touch that with a 10-foot pole. I'll let the CIA speak to that, if they wish or not. I will say this: To the CIA people who are going out at a time that we need more human intelligence, . . . they need to know that we will not cast their anonymity aside lightly."

But why was this sermon being delivered with Libby in the dock, and not Armitage, the confessed source? Since Armitage had testified that he was the source of the leak that served as the basis for the CIA referral letter at the very outset of the investigation, what had the prosecution been up to all that time?

Barely a month into his investigation, in February 2004, Fitzgerald sought and quickly received from Comey an expansion of his mandate to cover process crimes such as perjury and obstruction. In retrospect, this should have been a tipoff that Fitzgerald was changing focus from the underlying "crime"—which was nonexistent. Judging from the parade of witnesses who would eventually be called before the grand jury, it seems he and his team of investigators were under the impression that *before* Novak's column ran, a senior administration official had told two White House officials to leak the Plame story to six reporters. This notion might well have been gleaned from a poorly written, later edited, account in the *Washington Post*. This inaccurate, thinly sourced story—which might well have been told to Fitzgerald's investigators as well as to the *Post*—somehow seems to have become the template for the investigation, which from then on focused on who those presumptive two White House officials were.

The source of this claim, which so distorted the prosecution's view of the matter, has not been revealed. In discovery, Libby's defense team made clear that they think it was Marc Grossman, Armitage's undersecretary for political affairs, who they contend has been a friend of Wilson's

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since the two went to college together. That Fitzgerald bought into the left-wing typology of bad leakers (defenders of the Iraq war like Libby) and blameless leakers (Armitage) is evident in his August 27, 2004, affidavit to the court seeking to compel the testimony of *New York Times* reporter Judith Miller, who had discussed the Wilson story with Libby but never published anything about it. At the time he filed the affidavit, he of course knew that Armitage had been Novak's source. Fitzgerald argued:

> One key factor in deciding whether to issue a subpoena has been whether the "source" to be identified appears to have leaked to discredit the earlier source (Wilson) as opposed to a leak who revealed information as a "whistleblower". . . . The First Amendment interests are clearly different when the "source" being sought may have committed a crime in order to attack a person such as Wilson who, correctly or incorrectly, sought to expose what he perceived as misconduct by the White House.

This affidavit was a model of disingenuousness, misleading Judge David Tatel, who revealed his utter lack of political sophistication in the decision compelling the testimony of Miller and other reporters (which paved the way for Miller's 85 days in jail for contempt, when she at first refused to testify):

> While another case might require more specific evidence that a leak harmed national security, this showing suffices here, given the information's extremely slight news value and the lack of any serious dispute regarding Plame's employment.

It was not of "extremely slight news value" that Plame had suggested Wilson for his trip. The story of Joe Wilson's heroic Mission to Niger was explosive because of Wilson's disingenuous original version: Cheney had sent him, had knowledge of his findings that Iraq never sought uranium in Niger, and had ignored those findings. This was the very cornerstone of the "Bush Lied" lie—which has now traveled all the way around the world many times over without the truth ever having caught up. This was a lie that undermined public trust in the president in the middle of a war, and has persisted despite the contrary findings of the Senate Select Committee on Intelligence, and the Butler and Robb-Silberman commissions. The presupposition driving Fitzgerald's quest—that White House officials had conspired to "attack" a whistle-blower who sought merely to expose misconduct—was deeply politicized, and so skewed the investigation that the results were preordained: Somehow, someone would be tagged "it."

As late as this year's February 24 discovery hearing, Fitzgerald revealed his utter cluelessness about how and why information spreads in Washington. The prosecutor claimed in court that "Mr. Wilson didn't reveal himself as the unnamed Ambassador [of Kristof's column] until July 6," when Wilson's own *New York Times* op-ed appeared.

This ignores that Wilson was the star witness at the May 2, 2003, Senate Democratic Policy Committee meeting (minutes of which are inexplicably missing from the committee website and seemingly impossible to obtain), where he and his wife met with Kristof and set the game in play. This ignores that, by Wilson's own admission, before his op-ed he had contacted a number of people in the Senate and State Department to tell them the same story. And this ignores that he was telling lots of reporters the same story he told Kristof. Among the reporters he's known to have talked to were Walter Pincus of the *Washington Post*, John Judis and Spencer Ackerman of the *New Republic*, and Andrea Mitchell, who hosted Wilson's appearance on *Meet the Press* the morning of July 6 and who would, at the very least, have had advance notice that his op-ed would be appearing that day. And for each reporter who knew, we must assume a number of editors, colleagues, and friends were also apprised of the ambassador's identity.

Fitzgerald further ignores that in the post-May 6 period, before his own op-ed appeared, Wilson briefed two congressional committees about his trip to Niger. And finally, Fitzgerald ignores that on June 14, 2003, in downtown Washington, at a conference sponsored by an anti-war group called the Education for Peace in Iraq Center, Wilson strongly implied that he was the ambassador sourced anonymously by Kristof. In the program distributed to attendees and posted online until recently, he listed his wife's name, Valerie Plame, in his bio.

Adding to this failure to acknowledge the variety of ways in which knowledge of the Plame/Wilson connection could have spread, Fitzgerald was constrained by Department of Justice guidelines: He could not ask reporters broad questions about their sources, but had to focus on whether they spoke to specified sources. Even then, the reporters refused to respond, absent waivers to testify about those conversations. Many, like Corn and Kristof—for whom Plame and Wilson were the obvious sources—were never questioned at all. Most significantly, Armitage, whose calendar showed a meeting with the *Washington Post*'s Bob Woodward, seems never to have been asked if he told other reporters what he told Novak.

Instead the prosecutor fixed his course on determining whether Rove or Libby said anything to any reporter prior to Armitage's conversation with Novak on July 8, 2003. His lodestar was a June 10 memo prepared by Carl

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Ford Jr., assistant secretary of state for intelligence and research, detailing a meeting of INR and CIA officials at which Plame had introduced her husband and explained the mission the agency intended to send him on. To Fitzgerald, the source of any "bad" leak had to be found among the recipients in the White House of this memo.

Marc Grossman plays a role in this as well. The memo was originally written for him. He says that when Vice President Cheney asked who Nick Kristof's unnamed ambassador was, and how and why he had been sent to Niger—remember, Wilson had suggested to reporters that he'd gone at Cheney's "behest," and Cheney most certainly had not "behested" this—Grossman asked Ford to prepare the memo. It was redated July 7, 2003, and while it never was distributed to the White House, it was faxed to Armitage and Powell. Why the original memo was not given a new cover, instead of being redated and readdressed, is still a mystery. The memo never suggests that Plame was covert or even classified, which seems odd, too, given that, were her identity to be kept secret, there'd be no reason to identify her in the memo and even less reason for her to have attended a meeting at which she introduced her husband to State Department officials. As Armitage put it earlier this month, in an interview with CBS News, while the document was classified, "it doesn't mean that every sentence in the document is classified. I had never seen a covered agent's name in any memo in, I think, 28 years of government."

Count one of the Libby indictment charges, inter alia: "On or about June 11 or 12, 2003, the Under Secretary of State orally advised Libby in the White House that, in sum and substance, Wilson's wife worked at the CIA and that State Department personnel were saying that Wilson's wife was involved in the planning of his trip." The undersecretary referred to is Grossman, and Libby says he has no recollection of any such conversation. He also denies that Grossman told him of Plame's identity.

In the indictment, the prosecutor puts great weight on Grossman's recollection of this conversation, as he does of every scrap of information suggesting Libby knew of Plame before Armitage's disclosure to Novak. Fitzgerald connects the dots to a baffling June 23, 2003, conversation Libby had with Judith Miller, which then allows him to tag Libby "it"—making him the "first to tell" a reporter of Plame. (The weight he places on this is such that it seems almost as if Fitzgerald is trying to justify to himself his decision to go after Libby, who didn't leak to Novak, while treating Armitage, who did leak, as an "innocent accused.") Fitzgerald's theory that Libby was "first to tell" was always a stretch, given the variety of people who already knew Wilson's story. It collapsed definitively when Woodward—whom Armitage had twice in 2004 refused to grant a waiver of confidentiality, finally getting one after the indictment of Libby—came forward to say that on June 12, 2003—well before the Libby-Miller conversation—Armitage had told him of Plame and her role in Wilson's trip. Further, Woodward has revealed that he bumped into Libby in the hallway that same day, that his notes indicate he might well have told Libby what he'd heard from Armitage, but that those same notes do not show Libby as having responded. He has added that if he'd been asked earlier, when his recollection was fresher, he could perhaps have shed more light on their conversation.

If the prosecutor had asked and Armitage had failed to reveal the conversation with Woodward, and Armitage had then for years refused to allow Woodward to reveal this information to the prosecution, Armitage obstructed the investigation. If, as seems more likely, the prosecutor, with Armitage's notebooks and calendar in hand, never asked him about his conversations with other reporters, Fitzgerald would now seem to be trying to disguise his own mishandling of the investigation as obstruction by others. You cannot wear blinders and suggest someone kept you from seeing the whole picture.

The sum and substance of the charges against Libby are his differing recollections of conversations with three reporters: Matthew Cooper (formerly with *Time* magazine), Judith Miller, and Tim Russert of NBC. Libby's defense is that he was very busy during this period, that Plame's identity was then a minor point to him, and that he testified to the best of his recollection on these matters—which in any event he would have had no motive to lie about, and which seem not to have been material to any other crime, none having ever been charged.

Here, in summary, is what we know from the Libby indictment and from the May 16, 2006, discovery hearing, at which some evidentiary matters not disclosed previously were revealed:

* **Matthew Cooper**: Libby recalled and testified that on July 12, 2003, Cooper called him and he (Libby) raised the subject of Wilson's wife. Cooper, on the other hand, says that he recalls it differently, that he raised the matter with Libby. In fact, it appears both may have faulty recollections. As Libby's lawyer argued in May: "Mr. Cooper took notes—He sat there and typed on his computer as he talked to Libby of everything they talked about. We have those. There is no reference to the wife whatsoever. Immediately after the call with Mr. Libby, Mr. Cooper sent to his editor an email describing the important things that Libby

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said. There is no reference to the wife. None whatsoever.

"There is another email. Again, we have this one. There is an email by Mr. Cooper, again to his editor, on July 16, four days after his conversation with Mr. Libby and five days after his conversations with Mr. Rove, about the article they are planning to write in which they are going to mention the wife. And the email says—talks about him having an administration source for the information about Mrs. Wilson."

Time testified that it had another document, which it had not turned over to Libby, that mentioned Plame. But, "even if other Time, Inc. reporters knew about Ms. Plame," the *Time* lawyer contended, "that would in no way support Mr. Libby's grand jury testimony." The judge reviewed documents in *Time*'s possession that they had not turned over to Libby, and ruled that no matter how Cooper testified, the documents would make his testimony impeachable. That is, *no matter how* Cooper testifies, there is evidence in *Time*'s documents that might well discredit his testimony.

It is far from clear why the prosecutor felt testimony in which Libby said he thought *he* raised the issue to Cooper becomes a charge for false testimony in the indictment, when Cooper said he raised it, and when, moreover, Cooper's contemporaneous notes do not reflect any discussion with Libby about Plame. Nor is it easy to imagine a jury would find this a compelling count either.

* **Judith Miller**: The charges relating to Miller are hardly stronger, though they, too, give a revealing view of the one-sidedness of Fitzgerald's investigation and prosecution. Having received Miller's notes, Libby's lawyer observed that they revealed she had conversations with other people besides Libby that had never been fully explored:

> You will see that Ms. Miller was investigating and focusing on Mr. Wilson before the very first time that she met with Mr. Libby, that is, before June 23rd of 2003, which is the date she says that she and Mr. Libby first discussed or that Mr. Wilson's wife was first mentioned in a conversation with Mr. Libby. There are numerous entries throughout

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> those notebooks to "V.F." or "Victoria Wilson" or to "Valerie Wilson," all of which indicate that she is talking to somebody else about Mr. Wilson's wife. . . .
>
> The second entry that is of importance here is on July 8th of 2003. And your honor again will see in her notes—in the midst of her notes of her meeting with Mr. Libby, there is again a parenthetical—it's sort of odd, but there is a parenthetical that says "wife works in WINPAC," question mark.
>
> Now as far as we can tell—and we haven't gotten discovery from the government on this issue as yet, but as far as we can tell, Ms. Plame did not work in WINPAC. As far as we can tell, nobody claims to have said to Mr. Libby that she did work in WINPAC. So where does that come from? . . .

Miller's testimony is baffling and, when read in conjunction with her newspaper accounts of her September 30, 2005, grand jury appearance, is even less comprehensible. In her defense, she was blindsided by the prosecution, which had apparently not known about or asked for her notes on the June 23 meeting before her appearance in court. She simply might have been unprepared to be questioned about them. Moreover, though she conceded the notes reflected conversations with others, by his explicit agreement with her, the prosecutor had promised not to ask her about her other sources.

Miller said at the grand jury appearance, when the prosecutor breached that agreement, that she could not recall who those sources were. (Libby's counsel indicated he'd called six or seven reporters with whom Libby talked at roughly the same time, all of whom would say Libby never mentioned Wilson's wife.) And while Plame's name in some form or another is in Miller's notes, it is unclear who raised it and when. It does appear, however, that Wilson himself might have been one source for Miller, as he had been for so many other reporters.

The *New York Times* admitted that it had in its possession documents that named Wilson and/or Plame, and resisted turning them over on the ground that, since the reporters and editors were not likely to be government witnesses, the defense was not entitled to them—the documents being producible in a criminal proceeding only for impeachment purposes.

The judge disagreed, holding that, depending on how Miller testified, these documents might impeach her and therefore Libby was entitled to see them, though only after she testifies. Just as Cooper is unlikely to be a star witness, Miller is likely to bomb on the stand.

⋆ **Tim Russert:** Which leaves the final witness. Libby testified that he believed Russert was the first to tell him of Plame and her connection to Wilson. Russert apparently has no notes of the conversation. He seems to have been the only reporter named in the indictment whom Libby called on July 10, 2003. The call was to complain about MSNBC's coverage of the Bush administration. Libby seemed to think that, in the course of this, Russert told him about Plame and said "everybody knew." Russert has been tight-lipped about the substance of the conversation, but there has been wide speculation that Libby called to heatedly complain of the anti-Semitic tone of Chris Matthews's reporting. Matthews says that if so, Russert never conveyed the complaint to him.

Enter their NBC colleague Andrea Mitchell. As Libby notes, she is an "access" reporter with contacts in the State Department and CIA. She is Russert's subordinate. On July 6, 2003, the morning of Wilson's inflammatory and false op-ed in the *New York Times*, Wilson appeared as a guest on Mitchell's show—an appearance that certainly required some foreknowledge of Wilson's identity and background, and of the planned op-ed. Three months later, asked in an October 3, 2003, appearance on CNBC how widely known it had been in Washington before the Novak column that Wilson's wife worked for the CIA, Mitchell said, "It was widely known among those of us who cover the intelligence community and who were actively engaged in trying to track down who among the foreign service community was the envoy to Niger." (She subsequently, and not credibly, has tried to back off this statement.) Russert is Mitchell's boss, and as inconceivable that Fitzgerald never interrogated her is the claim that she never told him.

In any event, that's the case against Libby. Two reporters whose testimony is not likely to stand up well under cross examination, and one reporter who says that he and the only charged defendant (Libby) never discussed the woman at all.

And as for Armitage, who did tell a reporter, and who told a second reporter, Woodward, whom he kept from coming forward in a timely fashion with the truth—that Armitage had told him long before Libby spoke to any reporter about the matter—well, Fitzgerald calls him an "innocent accused." The prosecutor who directed Armitage not to tell the president or anyone else that he was the source dares to charge another man with obstructing his so-called investigation.

Meanwhile Libby, who fully cooperated with the prosecution, told what he recalled as best he could recall, and promptly gave waivers of confidentiality to all reporters known to have talked to him in this period, is charged with crimes for which the prosecutor is seeking a 25-year prison term.

It's long past time for the president to call in the attorney general, seek an accounting of the case from Fitzgerald, and order him to dismiss the charges or be dismissed himself. ♦

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Bettmann / Corbis

Woodrow Wilson, Edith Bolling Galt Wilson, Col. Edward M. House, 1918

Wilson's Courtier

The mystery of the president and the colonel

BY JOHN MILTON COOPER

Does Karl Rove keep a diary? Probably not, but think what it might mean if he did. Rove is one of President Bush's two or three closest advisors, in on the biggest decisions about policy and action. What is more, Rove got where he is by playing a vital role in making Bush president—so vital a role that one Texas journalist entitled a book about him *Bush's Brain*. Think what revelations about this president and his time in office might come out if such a person kept a diary.

Has such a thing ever happened? Yes. It happened between 1912 and 1919, when Edward M. House—coincidentally also a Texan, who held the strictly honorary rank of colonel in the state militia—kept a diary of several thousand pages about the man who won the 1912 election and then served two terms in the White House.

Woodrow Wilson's Right Hand
The Life of Col. Edward M. House
by Godfrey Hodgson
Yale, 372 pp., $35

Many times over House earned the sobriquet that Godfrey Hodgson uses to entitle his new biography of him: *Woodrow Wilson's Right Hand*. This Texan did not do a lot toward making Wilson president, although Hodgson tries to argue that he did. His real influence began right after the election, when Wilson drew on House's connections within the Democratic Party to help fill his cabinet and other high-level posts. A deep emotional bond sprang up between the two men almost at once, and House later helped Wilson through his agony of grief following the death of his first wife in August 1914, at the same time as the outbreak of World War I. Early in the Wilson administration, House carved out foreign affairs as his special bailiwick. With Wilson's backing, he went on missions to Europe in efforts first to forestall the war, and then to mediate it.

After America entered the war, in 1917, Wilson used House as his most important negotiator with the Allies,

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especially during the tortuous, tense dealings that led to the Armistice, and he followed House's suggestion to gather a group of experts, called The Inquiry, to plan for the postwar settlement. Wilson appointed House to the delegation to the peace conference at Paris, where for a time he was, almost literally, the president's "right hand." As Hodgson points out, House foreshadowed the role that Henry Kissinger would play during Richard Nixon's first term, including overshadowing the secretary of state. A joke at the time went: "How do you spell Lansing [the name of the secretary]?" "H-O-U-S-E."

Like Kissinger and Rove after him, House was somebody whom almost nobody felt neutral about: People either loved him or hated him, admired him or denigrated him. His purported influence inspired not only jokes but also attacks by Wilson's opponent in the 1916 election (Charles Evans Hughes, himself a future secretary of state). House's negotiating prowess earned him the admiring nickname of the "Texas Talleyrand," and Harold Nicolson called him "the best diplomatic brain that America has yet produced." Yet several members of Wilson's cabinet detested him. Jonathan Daniels, the son of Secretary of the Navy Josephus Daniels, later voiced his father's views when he wrote, "Colonel House was an intimate man. He could be intimate even when cutting a throat." Privately, he once congratulated me for "continuing the unmasking of that devious son of a bitch, Colonel House," and called him "an elegant chamber pot, full of s—t."

As might be expected of someone who incited such violently conflicting estimates during his lifetime, House has drawn equally discordant interpretations from historians and biographers. Even before the principal actors died, fierce arguments broke out about the colonel's influence on the president. Partly in response to unflattering depictions of himself by Wilson's official biographer, Ray Stannard Baker, House commissioned the Yale historian Charles Seymour to edit and publish his diary and selected letters in four volumes entitled *The Intimate Papers of Colonel House*. House deposited the diary and his other papers at Yale and encouraged others to follow suit. Seymour, who later served as president of Yale, kept the flame of House's reputation bright and cultivated one Wilson biographer, Arthur Walworth, as his protégé.

More recently, such writers as Phyllis Lee Levin in her book on Wilson and his second wife, *Edith and Woodrow*, and now Hodgson, have hewed to a strongly pro-House line. The essence of this school of interpretation is that House played Sancho Panza to Wilson, whom John Maynard Keynes once called "a blind and deaf Don Quixote"—except that here the worldly realist emerges as the better, more constructive, character. Hodgson contrasts them at the peace conference this way: "House's instinct was to seek the highest common denominator. Wilson's was to take his stand even if he had to pull the temple down around his head."

The other school of interpretation originated with Baker's biography and the memoirs of Edith Wilson. It later found its strongest champion in Arthur Link, who from his earliest work questioned both the importance of House's influence and the veracity of his version of events. This school likewise acquired an institutional base when Princeton became the home of the massive edition of *The Papers of Woodrow Wilson*, published in 69 volumes, with Link as editor. Those volumes reproduced much of House's diary, including some entries that Seymour omitted and altered, and his correspondence with Wilson. Link also sponsored work by other historians critical of House, most notably Inga Floto's *Colonel House at Paris*, which questioned his reliability as a witness and fidelity to Wilson's aims at the peace conference.

In the interest of full disclosure, I should note that I was a close friend of Link and a member of the editorial advisory committee of the *Wilson Papers*. Two of my books have raised questions about House's behavior, and Hodgson takes me to task, albeit gently and politely, for speculating in one of them that the colonel may have lied about what he did in one incident. The essence of this school of interpretation is that House was a deceitful character who was frequently not straight with Wilson, manipulated and undermined others in order to enhance his own influence, and persistently magnified his importance in his diary.

Hodgson deserves credit for courage in venturing into the middle of this interpretative crossfire. His book is brisk and readable, and he is especially good at painting the broad picture of World War I and the non-American personalities with whom House dealt. If that sounds like faint praise, I am afraid it is. This book strikes me as falling short in its main task of portraying House and his relationship with Wilson. Despite my previous identification with the colonel's detractors, I do not think that this book's chief shortcoming is its favorable view of him—although I do think greater skepticism toward him would have helped. I can envision a rich, full biography that might, on balance, find House worthy and notable, but this would require a different kind of treatment from the one given here.

The main problem facing a would-be biographer of House is that he or she cannot deal with the colonel alone. Inasmuch as House's role in history depended almost entirely on Wilson, any biographer of the colonel has to know and understand the president as well. This is a big undertaking but, thanks to Link's edition of the *Wilson Papers*, one that is doable. Even a little immersion in those volumes quickly dispels notions of Wilson as a rigid messianic figure or a wooly-headed idealist—this man was no Don Quixote. This throws his Sancho Panza into a different light, but that light is hard to see because usually the sole source for the two men's relationships is House's diary. Only in 1919 at the peace conference, when others such as Baker and Wilson's physician, Cary Grayson, were also keeping diaries, can the colonel's

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version of events be checked against what others recorded.

Only once, so far as I know, did Wilson leave a written record of what he thought of House—which Hodgson does not quote. During the summer of 1915, the president characterized the colonel in a letter to his soon-to-be second wife, who had not yet met House but had reservations about him. Wilson called "dear House . . . capable of utter self-forgetfulness and loyalty and devotion." He called him "wise" and one who gave "prudent and far seeing counsel. . . . But you are right in thinking that he is not a great man. His mind is not of the first class. He is a counselor, not a statesman." Fond though Wilson was of House and credulous about his disinterestedness, he was no uncritical admirer. Whatever else the colonel may have been, he was not "Wilson's brain."

To do justice to this man and the great relationship of his life calls for a different kind of book than this one. Any such treatment would have to be much longer, and would have to delve into some of the more important episodes involving the two men. One example would be House's attempt to mediate the war in 1916. The documentary record shows that House represented this move one way to the British and French—as a pretext for American intervention on their side—and another way to Wilson—as a genuine effort to end the war. House also trusted British leaders, particularly the foreign secretary Sir Edward Grey, far more than he had any business doing, and he was not aware that the British had tapped the American embassy's cables, cracked its codes, and were reading his dispatches to Wilson. The great realist did not always come off as a shrewd operator.

As yet, there is no adequate treatment of House against which to measure this book. Therefore, *Woodrow Wilson's Right Hand* can serve as a readable introduction to this fascinating figure. But the reader must remember that there are more things in Wilson and House—more breadth, depth, subtlety, mystery, and mischief—than are dreamt of in these pages. ♦

Turn on the Gass

The High Priest of High Concept in High Art

BY BROOKE ALLEN

Halfway into his new collection of essays and reviews, the novelist William H. Gass reminds his readers, "somewhat proudly," that "the leaders of the literary avant-garde in this country are all over 60, and almost alone advancing the art." There are only two conclusions to be drawn from this pronouncement: Either there is something seriously wrong with the American avant-garde, or else the over-60 writers Gass is referring to (a group in which he clearly includes himself) are perhaps not really the avant-garde at all, but rather the arriere-garde.

A Temple of Texts
by William H. Gass
Knopf, 432 pp., $26.95

Among his own contemporaries—Gass is now over 80—the authors he most admires, both living and dead, include the strenuous post-modernists William Gaddis, John Barth, John Hawkes, Stanley Elkin, and Robert Coover. These appear to be the writers he believes to have been "almost alone advancing the art," and the degree to which you, as a reader, agree with Gass's assessment will determine whether you will find his essays inspiring or merely irritating. It is conceivable that the avenue along which these authors have advanced the art of fiction is, in fact, a dead end. Where, after all, has the modernist experiment led? Has it ever really been possible to "advance," in terms of pure stylistic experiment, beyond *Finnegans Wake*, which is now nearly 70 years old?

Gass's literary aesthetic is that of the doctrinaire academic post-modernist; he celebrates the baroque, the ornate, the reiterative: he loves lists, verbal ornamentation, hyperbole, onomatapoeia. His favorite reading matter includes, along with the inevitable Joyce, Rabelais (king of all list-writers); Henry James (he of the hyper-convoluted sentences); the heavily encrusted prose of Robert Burton and Ben Jonson; the sermons of John Donne ("He raised rhetoric like a club of war"); the stylistic virtuousity of *Tristram Shandy*; and the incomprehensibe complexities of Flann O'Brien and Ernesto Sabato. The two saints in Gass's "modest religion" are Samuel Beckett and Ludwig Wittgenstein. His favorite book of all—"la favorite"—is Jean Bachelard's *Poetics of Space*.

One can easily deduce Gass's philosophy of literature from this list, but should there be any mistake, he explains it at many points in the essays that make up *A Temple of Texts*. He scornfully dismisses "the old canard that art is communication" as a "philistine philosophy." What are we to make of this? Certainly art is not *only* communication, but without some degree of communication, it is nothing at all. This is the dead end to which the modern aesthetic must lead if taken to its logical end, but Gass does not believe this to be the case. For him, literary art lies exclusively in the music: "It was Joyce's music, it was James's music, it was Faulkner's music; without the music, words fell to earth in prosy pieces; without the music, there was only comprehension, and comprehension may have been analysis, may have been interpretation, may have been philosophy, but it wasn't art."

Yes, there must be music—but Gass

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seems attuned only to the loudest and most ostentatious variety. Predictably, he is completely unsympathetic to literary realism. That's fine; everyone has his or her preferences. But Gass asserts his as though it were a universal value that only he and a few like-minded intellectual peers are wise enough to comprehend:

> Of course, the traditional realist's well-scrubbed world, where motives are known and actions are unambiguous, where you can believe what you are told and where the paths of good and evil are as clearly marked as highways, that world is as contrived as a can opener; for all their frequent brilliance, and all the fondness we have for these artificial figures, their clever conversations and fancy parties, the plots they circle in like carouseled horses, to call them and the world they decorate 'real' is to embrace a beloved illusion. The pages of *The Recognitions* [by Gaddis] are more nearly the real right thing than any of Zola's or Balzac's.

A. Knopf / Joyce Ravid

William H. Gass

This assertion is specious in so many particulars that it is hard to know which one to begin with. Take Zola, whom Gass specifically mentions and who is the realistic writer *par exellence*. Could one possibly describe the murky and corrupt world of the Rougon-Macquart novels as "well-scrubbed"? Are the actions taken by his character Nana, for instance, unambiguous, and are her motives transparent? Nana's Paris has been "contrived" by an artist, without a doubt, but is it any *more* contrived than the Dublin of Leopold Bloom and Anna Livia Plurabelle?

The answer, of course, is no; it is just that Gass's *personal* preference is for the splashy symphonies of Joyce over Zola's subtler melodies. As for the paths of good and evil being clearly marked, that is surely less true in the morally contingent worlds of Zola, Balzac, and Tolstoy than it is of the Manichean struggles dramatized by non-"realistic" authors, such as Sabato, whom Gass admires.

The problem is that Gass is in love with words, and he seems to consider the question of whether or not they are attached to meanings to be more or less immaterial to the reading process. It is true that being word-besotted is a necessary quality in a writer, but when this virtue is taken to extremes it becomes an artistic sin and a form of literary narcissism. "The true alchemists do not change lead into gold," Gass asserts; "they change the world into words." Is this true—or do the real alchemists, in fact, change words into the world? To consider the word apart from the anchor of its meaning is to lead the reader into a state of mere drunken wallowing, as Gass puts it in his self-congratulatory way, "in the wine of the word." His description of his enjoyment of *The Red and the Black* condemns his own theories: reading it, he says, "I . . . no longer read words (against all the rules of right reading I will later give myself), but barrel along like my own train." What kind of pedantry does it take to invent "rules for reading" so perverse as to entirely sever form from function, and regard an interest in plot as beneath contempt?

"I have always believed that genius and originality should be evident almost at once and delivered like a punch—in a paragraph, a stanza, even an image," Gass insists, saying that he likes to administer what he, following Ford Madox Ford, calls the "page 99 test"—a barbaric process in which he tests authors by opening to the 99th page of whatever book he is considering, reading the first passage that comes to his eye, and judging the entire work by what he reads in that moment. This must limit judgment to what is pure bang and fireworks, ignoring the vital elements of structure, balance, theme, and emotion. No wonder Gass's personal *pleiade* doesn't seem to include writers like Jane Austen, George Eliot, Thackeray, Hardy, Dostoyevsky, Turgenev, and countless other great artists who would probably fail the page 99 test.

Gass's list of favorites *does*, however, include the late Stanley Elkin, whose obsession with nomenclature and listing catered to Gass's worst instincts. "Stanley Elkin loved excess. More is more, he quite correctly said." This is complete nonsense. Sometimes more is more; sometimes less is more; sometimes the concepts of "more" and "less" are immaterial. Everything depends on the individual artist.

Gass has taught writing and literature in universities for several decades, which means that he has imparted his cranky and ungenerous philosophy to many hundreds of impressionable minds.

> You do not tell a story; your fiction will do that when your fiction is finished. [How, one would like to know? By magic?] What you make is music, and because your sounds are carriers of concepts, you make conceptual music, too.

> What can we do to find out how writing is written? Why, we listen to writers who have written well—wondrously well—because that self through which the sentence passes—those eyes, those ears, that nose—

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is made not of flesh and bone and their dinky experiences, but of pages absorbed from the masters, because that is what writing comes from: It comes from reading. It is not acquired by taking the lift to a slippery peak, by breaking up with yet another boyfriend, by being miserable from thirteen until now. Nor would you have been miserable from thirteen until now if you had sheltered yourself with books.

How can universities countenance these very arguable generalizations being preached to their students with such doctrinaire arrogance?

Gass's thoughts on the visual arts are pertinent to his views of literature. Writing of modern painting, he comments on the decay of the mimetic ideal. "It was the invention of photography, I remember, that was supposed to run painters out of business. What it did, of course, was make artists out of them, not grandiose or sentimental describers." "Of course"? Does this imply that Titian and Velazquez, Vermeer and Holbein were grandiose and sentimental describers, or that they deserved the title of "artist" any less than did Picasso and Matisse? Gass's essays imply that this ridiculous conclusion applies to literature as well, with the avant-garde of the last century freeing language from its obligation to describe life and letting it loose into the ether of pure art. In practice, the result has too often led to sterility.

In one of the book's later chapters, "Spectacles," Gass provides a forceful critique of the use of theatrical and political spectacle, condemning it as "a branch of visual rhetoric." This is a legitimate position, yet Gass himself and the writers he most admires could all be said to stress the spectacular in their own art, and to bludgeon readers into either submission or ecstasy, depending on their tastes, with their own use of literary rhetoric. A viable alternative to the "art is communication" formula he rejects might be "art is truth." If this is so, then literary rhetoric is only valuable insofar as it enhances, rather than obscures, artistic truth—a conclusion that renders highly questionable Gass's dictum that "more is more." ♦

The Japanese Eye

And what it saw at the dawn of the modern era.

BY JANINE BEICHMAN

The rabbit hutch theory of Japanese society, popularized by the media some years back, depicted the Japanese as a nation of economic robots, happy to live in identical tiny houses while they slaved away building the GNP. Many Americans drew the conclusion that Japan's contemporary economic success was founded on a devaluation of the individual, and a corresponding over-willingness to make sacrifices for the greater good of a company and the nation.

Frog in the Well
Portraits of Japan by Watanabe Kazan, 1793-1841
by Donald Keene
Columbia, 304 pp., $24.50

And yet Japan, like any other nation or society, is now and always has been full of fascinating people of great individuality with nothing robotic about them. Donald Keene, Shincho Professor of Japanese Literature Emeritus, and University Professor Emeritus, at Columbia, excels in finding such people and making them come alive for us. He has been doing so now for over 50 years through a steady stream of books on Japanese literature and culture, as well as through a plentitude of translations of classical and modern Japanese prose and poetry.

In recent years, Keene has produced three biographies of iconic figures. *Yoshimasa and the Silver Pavillion* described the creation of what we now think of as traditional Japanese aesthetics through the life of the medieval Shogun Ashikaga Yoshimasa. *Emperor of Japan: Meiji and His World, 1852-1912* depicted the Emperor Meiji against the backdrop of the history of the Meiji period and the modernization of Japanese culture.

Now comes his latest book. This is the first full-length biography in English of an important samurai intellectual whose accomplishments as painter and statesman still reverberate in modern Japan. Watanabe Kazan's life, from the early years of poverty to service as an advisor to his lord, and then on to a tragic end, is narrated against the background of the last years of the Tokugawa shogunate. This is a portrait of one individual at a tipping point in history as Japan moved at a snail's pace from a policy of minimal contact with the outside world to the opening of its doors to foreign relations.

At the beginning of the 19th century it was already apparent to many Japanese politicians that the policy of seclusion instituted in the 17th century had to go. Kazan was one of those who saw the handwriting on the wall. The frog in the well, ignorant of the great ocean, was an image he used again and again in his essays to characterize his own contemporaries who were happy in their narrow world. Steeped in the Confucian classics, like others of his class, Kazan had every reason to become a staunch opponent of Western learning; but instead he came to "appreciate," as Keene puts it, "the magnitude of European civilization." He believed that Japan needed to open to the world, not only for the sake of national defense but also for the sake of pure knowledge.

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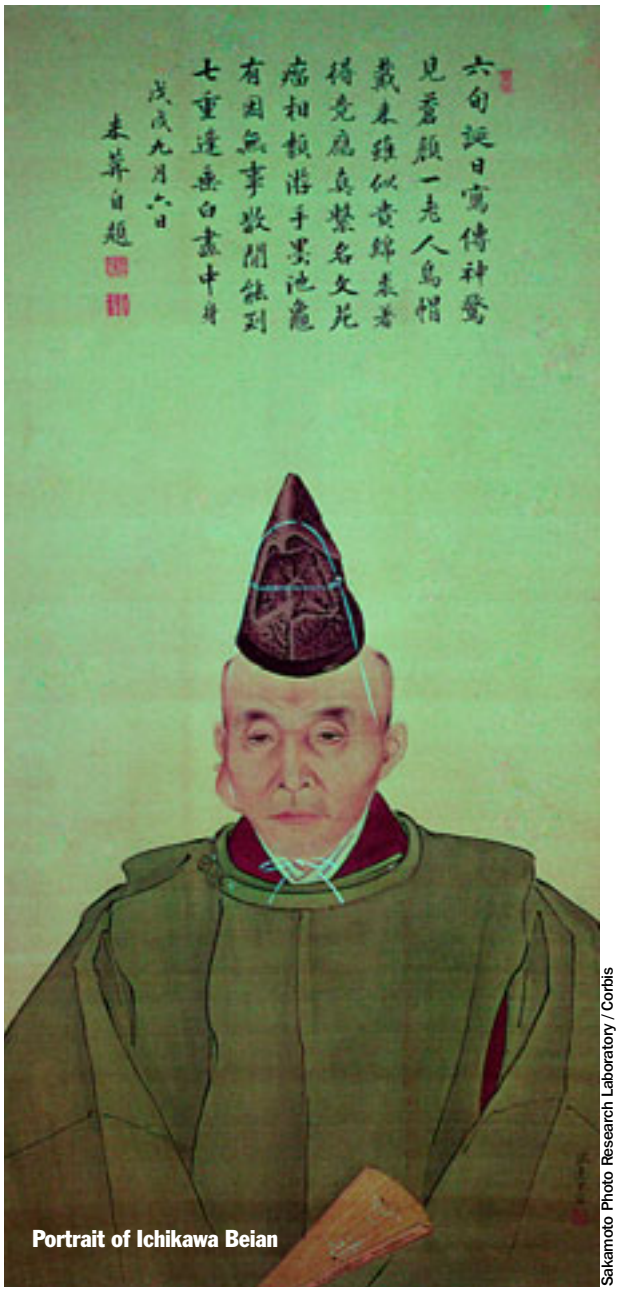

Portrait of Ichikawa Beian

Sakamoto Photo Research Laboratory / Corbis

Edo was the intellectual center of Japan then, just as its modern incarnation (Tokyo) is now; and Kazan was an Edo intellectual, one of a group of strong individuals as brilliant, opinionated, and imaginative as any New York intellectual of our own time. Of course, the crucial difference was that Edo intellectuals were quite literally taking their life in their hands if they so much as murmured against shogunal policy. Ideas could get someone in plenty of trouble, and Kazan's ideas turned out to be his misfortune.

He was arrested on trumped-up char-ges, and ultimately placed under house arrest. To support himself, he continued to paint and sell pictures, a crime when under house arrest. When it seemed that this might become known, and the repurcussions extend to the lord of his domain, he committed suicide. In spite of his ability to appreciate modern European knowledge, he retained to the very end a staunch loyalty to the Confucian values of his class. It was, as Keene says, a "turbulent life and tragic death." Watanabe Kazan was a casualty of the times.

Keene discussses in vivid detail all Kazan's major paintings and political writings, but what haunt me most are two portraits. One was of the giant Ôzora Buzaemon, who was over seven feet tall. A timid giant, Buzaemon was taken to visit various prestigious people in Edo in the company of his master, the daimyo of Kumamoto. Everyone, even sober Confucian scholars, seems to have treated him as an object of curiosity and a subject for jokes. He hated being stared at, and wanted only to return to his country home as soon as possible.

Kazan's portrait of Buzaemon was made with a camera obscura, in order to capture his likeness as accurately as possible. Although Keene does not find it one of Kazan's most appealing works, he defends it against a Japanese scholar who wrote a detailed study claiming that it was "no more than a representation of a freak."

"This criticism seems to miss the sadness in Buzaemon's face," counters Keene. "This is not the portrait of a 'freak' but of a man doomed to lead a tragic life. It would be surprising if Kazan did not feel this."

The second portrait is that of Kazan's revered teacher of Confucian studies, Satô Issai. Like the portrait of Buzaemon, it was realistic; but unlike Buzaemon's portrait, it was not made with a camera obscura. Although Kazan had some familiarity with Western techinques of shading and coloring, Keene argues persuasively that neither these nor anything in earlier Japanese portraiture could have directly inspired him in this portrait, which was "totally unlike any previous portrait made by a Japanese, a work that seems to have sprung into the world without parentage."

In his discussion of this portrait, Keene confesses that he can not account for its dramatic intensity, or the vivid evocation of personality, which are what make it so unforgettable. This biography can be seen, in part, as Keene's attempt to answer his own question: "What enabled Kazan to create this extraordinary work?" He does not offer an outright answer, but in a sense, the entire book provides one. Surely, in this portrait, the two animating passions of Kazan's life—his Confucianism and his art—came together to inspire him, so that the realism at which he excelled was infused with something greater than itself.

In any case, in reading *Frog in the Well*, one acquires a sense of what it was like to be alive in those strange and turbulent days of the waning of the Tokugawa shogunate, and a sense of commonality with one of its most sympathetic figures. Much effort has gone into acquiring the illustrations, many of which seem to be in private hands in Japan. Perhaps the book will inspire a major exhibition of Kazan's work, one that will travel abroad as freely as Kazan would have wished. ♦

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Sickness Unto Death

How the anti-Semitic virus adapts from era to era.

BY DAVID LOWE

Reuters / Regis Duvignau

Iran's Mehr news agency reported in July that the judging ceremony for the international Holocaust cartoon competition had been held, and "the greatest number of participants, after Iran, were from Turkey, Brazil, India, Indonesia, and America." In Rome, as leaders across Europe issued a call for an immediate cease-fire in Israel's battles with Hezbollah, Jewish-owned shops were vandalized and defaced with swastikas. And in Seattle, a man declaring he was "a Muslim American and angry at Israel" forced his way into the Jewish Federation building and opened fire, killing one woman and wounding five others, one of them pregnant.

Hostility to the Jewish people, a phenomenon known since the 19th century by the misnomer anti-Semitism—"Semitic" refers to a group of languages, not people—is nearly as old as history itself. The first chapter of the Book of Exodus notes that "A new king arose over Egypt who . . . said to his people, 'Look, the people of the sons of Israel is more numerous and vaster than we. Come, let us be shrewd with them lest they multiply and then, should war occur, they will actually join our enemies and fight against us.'"

The Changing Face of Anti-Semitism
From Ancient Times to the Present Day
by Walter Laqueur
Oxford, 240 pp., $22

Throughout history, Jews have been the target not only of resentment and discrimination but also verbal and physical abuse, expulsion from communities in which they had lived for centuries, and murderous pogroms. The antagonists have been diverse: From traditionalists who have regarded Jews as radicals; progressives who have associated them with capitalism; populists who see Jews as obsessed with pursuing wealth; and nationalists who have tagged them, much as Egypt's pharaoh did, as dual loyalists and fifth columnists.

According to Walter Laqueur, there is no ultimate explanation for anti-Semitism. Laqueur, who brings to this complicated subject his characteristically clear and incisive analysis, points out that, historically, much of the animosity toward Jews has been religious in origin, though social, economic, and political factors have also played a role. (He is generally skeptical of psychological explanations.)

The religious bigotry Jews faced from the early days of Christianity through the Middle Ages as a result of their rejection of the New Testament is vastly different from the racial-based anti-Semitism that led to the Holocaust. One key difference is that conversion was nearly always an option for Jews facing religious persecution. But as Laqueur notes, in the case of the Inquisition, conversion left considerable doubt as to the sincerity of the convert, and thus Jews and their descendants still faced discrimination based upon the principle of purity of blood, which became a forerunner of the race-based anti-Semitism that would appear toward the end of the 19th century.

Ironically, in light of the relative emancipation it brought to Jews in many parts of Europe, it was the Enlightenment that provided a bridge between religious and more modern forms of anti-Semitism. In France, the Assembly granted full rights to the Jews "only after they had adapted themselves to the norms of the society." As Jews emerged from the ghettos and entered trades and professions previously closed to them, they would come into conflict with local populations. Furthermore, during a period of growing nationalism, Jews would be considered outsiders, and the resentment against them would be compounded by the fact that some would become affluent and influential.

One of the key influences shaping modern anti-Semitism has been the notion that Jews are at the center of a worldwide conspiracy. Although that concept goes back to early times, it was not until Jews moved out of conditions of subservience during the Enlightenment that it gained much credibility.

By far the most important text that purports to document the conspiracy is the *Protocols of the Learned Elders of Zion*, believed to have been fabricated

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by the czarist secret police. The *Protocols* contain vivid allegations about the responsibility of Jews for every world ill, from the spread of infectious disease to plans to trigger a world war.

The Second World War marked a key turning point in the history of anti-Semitism with the systematic extermination of European Jewry by the Nazis and their henchmen. Anti-Semites, rarely reticent in the past, today are more careful in the ways in which they express their hostility to Jews, for example offering pseudo-historical "proof" that the Holocaust has been exaggerated, questioning the legitimacy of a Jewish state, or advancing conspiracy theories about Jewish lobbies.

While Jews have long associated the political left with liberation from religious-based oppression, Lacqueur notes that anti-Jewish attitudes appeared in the writings of the early socialists, who associated Jews with wealthy capitalists such as the Rothschilds. Furthermore, the creation of Israel was widely regarded on the left as "a relapse into bourgeois nationalism" at a time when nationalism was being discredited in the West.

Today, anti-Semitism centers primarily around enmity to the Jewish state, support for those who seek to delegitimize it, and denial of its right to defend itself effectively against unprovoked and deadly assault. Much of that animosity comes from leftist intellectuals, particularly in Europe, who regard Israel as guilty of a host of sins.

Much of what remains today of more traditional forms of anti-Semitism exists in the Muslim world, which, compared with European anti-Semitism, is of relatively recent vintage. Traditionally, Jews in Muslim lands were tolerated mainly because of their weakness, and European stereotypes of Jews were nonexistent. That would change, according to Laqueur, with the advent of Zionism, but particularly after the wars of 1948 and 1967, in which the Arab armies faced humiliation at the hands of those previously regarded as cowardly and weak.

Holocaust denial, conspiracy theories (including a revival of the *Protocols*), and vociferously anti-Jewish rhetoric have become prominent fixtures not only in the Arab media, but also in mosques and on political platforms throughout the Muslim world. And not just rhetoric: Jews have frequently become targets of violence not because of their ties to Israel, but simply because they are Jews.

As history demonstrates, those who unleash anti-Semitism's fury will not be content to stop with the Jews. *The Changing Face of Anti-Semitism* should serve as a wake-up call to all of us. ♦

From G to NC-17

Sense and nonsense in the ratings system.

BY JOHN PODHORETZ

Filmmakers in America and across the world loathe the ratings system created and maintained by the Motion Picture Association of America, and who can blame them?

It's hard enough to put any kind of creative work before critics and audiences, but submitting to that kind of judgment is inescapable; it's a fundamental aspect of the creative process. It's something else again to answer to an anonymous board that is tasked with making entirely subjective judgments about the possible offense your work might provoke in parents and their children. Everyone who goes through the process finds it enraging and maddening—all the more so because the system is an act of self-regulation by the movie business and, therefore, supposedly voluntary.

This Film Is Not Yet Rated
Directed by Kirby Dick

In point of fact, it's not in the least voluntary. Many theater chains will not book an unrated film, most newspapers and television stations will not run an ad for a film if it doesn't feature a rating, and something like 40 percent of the nation's DVD distributors won't stock it. And should the film be rated NC-17 (formerly X), which restricts the audience entirely to adults 17 years of age and older, most of those same rules remain in effect.

A moviemaker named Kirby Dick has now made this immensely entertaining (if ideologically deranged) documentary about the ratings process. The movie has terrific vim and vigor, and an appropriately playful quality. (After all, these are movies we're talking about here, not life and death.) Dick offers example after example of how the ratings board discriminates against smaller independent films by judging them harshly, and then offering moviemakers no guidance about how to recut their work to earn a more lenient rating—even as the board's members will work directly with executives from major studios to help them make necessary edits.

Why, Dick and others wonder, is the board anonymous? Jack Valenti, the now retired *über*-lobbyist who devised the system and set up the ratings board, decided he would staff it with ordinary people and protect their identities to insulate them from pressure. But, Dick sensibly points out, major studio executives know who some of the raters are. Indeed, the major studios that fund the Motion Picture Association of America pay their salaries. So their anonymity is merely a convenience, a way of shielding the ratings process from any kind of scrutiny.

Dick decides he is going to lift the veil. He hires private detectives to

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skulk around MPAA headquarters in Encino to try to divine the names of the raters. After six months, Dick and the detectives hit pay dirt—and, in the process, discover that the MPAA says things about the process that are simply untrue. It claims all raters are parents of children between the ages of 5 and 17, but Dick discovers that at least three raters have children in their twenties and one doesn't have children at all. The MPAA claims its raters serve for only seven years, but Dick reveals that at least one has served for nine.

Once a rating is delivered, a filmmaker has a right to appeal. The MPAA has never said that the appeals board is anonymous, as it is made up of industry executives. But he can't get a straight answer out of the MPAA about who is on the board and how they vote. In addition, filmmakers seeking to appeal a rating are not allowed to make reference to any other film and its rating. If one does so, an MPAA lawyer interrupts and will not permit him to speak further. What we have here is a classic case of a bureaucracy gone berserk—a high-handed, arrogant, and insulated bureaucracy that plays favorites and bullies the less powerful.

Dick and some of the affected filmmakers try to offer grand theories about the ratings board and its preferences, and this is where *This Film Is Not Yet Rated* just becomes another preaching-to-the-converted piece of leftist claptrap. In this case, Dick combines neo-Marxist nonsense and queer-studies argle-bargle into a great notion about the concentration of power in the hands of a few conglomerates that (I think I have this straight) seem to be especially fearful of the revolutionary power and mystery of the female orgasm.

The key question Dick and others pose is this: Why is it that the board goes so easy on depictions of violence while viewing depictions of sexuality as something more liable to give offense and more in need of restrictive rating? This is something that has bedeviled Hollywood for decades, and no one on the board or at the MPAA has ever explained this double standard. I'm not sure the raters themselves even understand it, which is why there's never been a satisfying defense.

Let me try one. When you see violence depicted onscreen, what you are seeing isn't really happening. No one is punching another person. No one is shooting another person. The blood isn't real. The guts aren't real. There is no injury being inflicted. It's a highly expensive version of a game being played by six-year-old boys in the backyard.

When you see people simulating sex on screen, you are seeing something very real, even though you are not seeing sex itself. When tongues touch, those tongues are actually touching. A man's actual hand plays with a woman's breast. A man's body lies on top of a woman's, or vice versa. This may all be for show, but it's far more true to the actual experience of intimacy than any depiction of a punch is to an actual punch.

What's exciting about seeing sexuality onscreen is also what can be disturbing about it. It's actually a violation of the very idea of intimacy to watch two other people in intimate relation to each other.

This is why, I think, the raters remain more likely to restrict the viewing of sexually graphic movies than they are to keep teenagers from seeing fantasy violence onscreen. And if I'm right, then this reticence should not be as quickly or easily dismissed as most critics of the ratings board dismiss it—no matter how ludicrous or corrupt the ratings system might be. ♦

A Russian Master

Anton Chekhov's unforgiving eye was focused on himself. **BY ALGIS VALIUNAS**

Of great modern writers, the one readers tend to think of as most like themselves is Anton Chekhov (1860-1904).

The supreme modern playwright, and a peerless writer of short stories, Chekhov embodied, in his work as in his life, the ordinary virtues that good democrats like: warmth, compassion, appreciation for simple pleasures, amused skepticism about big ideas, worldly experience that only enhances the common touch, misgivings about moral absolutes and the people who require them.

The Complete Plays
by Anton Chekhov
Edited and translated
by Laurence Senelick
Norton, 992 pp., $39.95

Those who knew Chekhov, and those who read him a century after his death, agree on fundamentals: He was the very soul of goodness.

How Chekhov's goodness translates into literary greatness remains controversial. The English playwright David Hare writes in the introduction to his adaptation of Chekhov's first play (which Chekhov left untitled but which Hare calls *Platonov*) that a "critical battle has been raging in the hundred years since Chekhov's death." On one side are those who think Chekhov so loves his characters that he grants them the irreducible complexity of actual living men and refuses to use them as vehicles for moral judgment. On the other side are those, like the leftist Hare, "who prefer to believe that their man was as political, as social and as specific a writer as Gorky or Tolstoy.

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They think of him as a moralist."

The critical debate concerns which sort of liberal writer Chekhov happened to be: the serenely nonjudgmental creator or the heroically indignant crusader. This first-ever English edition of Chekhov's *Complete Plays*, translated and edited by Laurence Senelick, a professor at Tufts who has done his job as scholar and translator nearly to perfection, provides the occasion to reconsider the liberal imagination in the light of Chekhov's life and work.

Anton Chekhov was born and raised in Taganrog, a town of some 50,000 inhabitants 600 miles south of Moscow. Greek millionaires formed the local aristocracy, Cossacks and Ukrainians spiced the rich ethnic stew, and Turkish procurers plucked young girls from the street to adorn their masters' harems. Chekhov would coin the epithet "Taganrogish" to describe boorishness, malice, ignorance, and squalor.

Chekhov's paternal grandfather had been a serf who had bought his freedom, and his father was a merchant, choirmaster, and martinet. Anton would remark that his own experience ratified his belief in progress: Life definitely got better when his father stopped beating him. After the elder Chekhov went bankrupt in 1875 and lost his house, the family decamped to Moscow, leaving Anton behind to finish his studies. Anton rejoined his family in 1879, coming to Moscow for medical training.

To help support himself and his floundering family, Chekhov stole time from his studies to write, tossing off droll sketches for the comic newspaper *Dragonfly*. Only several months into Chekhov's literary career, his editor delivered a stinging slap: "You are withering without having flowered. Such a pity." Chekhov shared that disheartening opinion of his own work, dismissing the slapstick anecdotes, mock advertisements, and cartoon captions he turned out as "my literary excrement." He tried his hand as a columnist, but found the work dispiriting. "*Journalist* means at the very least a scoundrel," he lamented; and rather than continue cranking out his quota of unfunny humor, he would prefer "dealing with a dose of the clap."

In 1885 a freelance assignment for the *Saint Petersburg Gazette* led to a productive association with that paper: Permitted to write seriously and at greater length than before, Chekhov began to find his voice and became demonically prolific. In 1886, a swanker Saint Petersburg daily, *New Time*, invited him to appear in its pages, and Chekhov entered into business, and into warm friendship, with the publishing tycoon Alexey Suvorin. Flagrantly anti-Semitic, awash in self-made wealth, generally supportive of the autocratic government, Suvorin was the *bête noire* of the liberal intelligentsia, and Chekhov had reason to believe that writing for *New Time* would blacken his own name. But only a couple of years later, his reputation was flourishing. Even the prestigious Thick Journals—literary monthlies whose devotees looked down their noses at the daily papers Chekhov had been writing for—published extended reviews of his work; and with his long story "The Steppe" in 1888, they began publishing him.

Soon Chekhov's literary energies spilled out into the theater. Already at the age of twenty he had written a sprawling seven-hour melodrama that remained untitled and was never performed in his lifetime; this was the play that David Hare trimmed to less than half that length and made excitingly stageworthy in 2001. From 1888 to 1890, Chekhov wrote a four-act play, *The Wood Demon*, which he would later strip to its foundation and rebuild as *Uncle Vanya*; turned out four one-act farces; and spruced up *Ivanov*, which enjoyed a triumphant St. Petersburg premiere in 1889. But this triumph bored him. It is hard to think of another born man of the theater so readily disenchanted with life before the footlights.

"Actresses are cows who see themselves as demi-goddesses," he wrote. Male actors must be instructed never to speak words of their own, lest a tidal wave of fatuity sweep all good sense away. In short, "the modern theater is a skin rash, a sort of urbane venereal disease."

To escape the theater's itching unpleasantness, in 1890, Chekhov headed off on an expedition to Sakhalin, the island off the Siberian coast that was Russia's penal colony. In a certain mood he regarded the punishing journey as a welcome diversion; in another, he saw himself embarking on a pilgrimage, to redeem Mother Russia of her sin in creating "a place of unbearable suffering, on a scale of which no creature but man is capable, whether he be free or in chains." Of the 28,000 people on the island, roughly 10,000 were either convicts in chain gangs or exiled settlers eking out a subsistence from the unyielding soil. All of them were forbidden to return to European Russia.

In three backbreaking months Chekhov spoke with all ten thousand. Bearing witness to the very nadir of degradation—refractory convicts permanently shackled to wheelbarrows, drunken mothers selling their pubescent daughters into whoredom, routine floggings the sight of which gave him nightmares—exhausted Chekhov, but on his return home, he labored mightily to produce *Sakhalin Island*, the longest work he ever wrote, and a classic in the thriving genre of Russian penology.

During the winter of 1891-92, when starvation ravaged the southern and eastern regions of European Russia, Chekhov joined the famine relief effort. After he purchased a country estate in Melikhovo, 50 miles south of Moscow, he provided free medical treatment for the local peasantry, and largely at his own expense designed and oversaw the construction of three village schools. At the same time, in his fiction he was merciless in describing the brawling vodka-soaked imbecility of peasant life. Unexpectedly, Russian Marxists endorsed his unsparing depiction of the peasantry, but Chekhov wanted no such allies: "To seek good ends by foul means is to befoul those very ends. . . . Why assure the peasants that they're right to be ignorant, and that their crude superstitions are Sacred Truth? Can any Glorious Future redeem such filthy lies?"

To steer clear of political passions was Chekhov's guiding instinct, but on occa-

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sion he became inflamed with outrage like the hottest firebrand. The Dreyfus case moved Chekhov sharply to assail his friend Suvorin, whose hatred of Jews drove his newspaper's condemnation of Dreyfus: "Even if Dreyfus is guilty, [his foremost defender Emile] Zola is still right, because the writer's task is not to accuse or pursue, but to defend even the guilty once they are condemned and are undergoing punishment."

The St. Petersburg student riots of 1899 further alienated Chekhov from Suvorin, but then saw Chekhov coming to his old friend's aid. The protesters were justified, Chekhov declared: "When people lack the right to express their views freely they express them provocatively and irritably." Suvorin thought otherwise, and his support for the government crackdown earned him the censure of the Mutual Aid Association of Russian Writers and Scholars, which convened a Court of Honor expressly to condemn the dishonorable publisher.

However reprehensible Chekhov found his friend's views—and the friendship was chilled thereafter—he could not bring himself to join the court in its indictment. Freedom of speech was endangered by the high-handed liberals, who would gladly substitute their own repression for the government's if given the chance. For Chekhov, freedom's primacy was non-negotiable; even professed enemies of freedom were allowed their say.

Despite this defense of Suvorin, one suspects that Chekhov found it more agreeable to come to the aid of wronged leftists than of maligned rightists. In 1902, after the Marxist writer Maxim Gorky was elected to the Academy of Sciences only to be expelled by the czar's own order, Chekhov resigned his membership in the Academy. This was about as defiant as Chekhov ever got: He was willing to stick his neck out for a friend and a principle, but not so far that he would be in danger of winding up headless.

But then politics was not his foremost concern; literature was, and to that he dedicated his life, writing and writing and writing. He turned out over 600 stories in his lifetime; the Constance Garnett translations run to fourteen volumes. It is for his four greatest plays, however, that he is most acclaimed: *The Seagull* (1896), *Uncle Vanya* (1899), *Three Sisters* (1901), and *The Cherry Orchard* (1904) constitute the heart of the modern theatrical repertory, and are performed far more often than the canonical works of Ibsen, Strindberg, or Shaw.

Austrian Archives / Corbis

Anton Chekhov (center) reads The Seagull *with the cast of the Moscow Artists Theatre, 1899*

Their inaugural performances by the Moscow Art Theater made the name of the actor and director Konstantin Stanislavsky; the influence of his celebrated acting technique, the Method, remains vital, going beyond mere adherence to the text and demanding that the actor "come with a complete understanding of what the character is experiencing," in the words of Stella Adler, who carried on the tradition in the American theater. The telegram that Stanislavsky sent Chekhov on first reading *The Cherry Orchard* suggests a madness to his method: JUST READ PLAY SHAKEN CANNOT COME TO SENSES IN UNPRECEDENTED ECSTASY . . . SINCERELY CONGRATULATE AUTHOR GENIUS.

The author genius, for his part, wished the director would knock off the soulful bunkum and see his plays for what they are. Milking Chekhov's work for its last drop of pathos led the Muscovite artistes to miss the comedy, the playwright complained after another triumphant run: "All I can say is, Stanislavsky has wrecked my play."

There was, however, an unexceptionable benefit that Chekhov enjoyed from his association with Stanislavsky's troupe: In 1901 he married one of its leading ladies, Olga Knipper. He was 41, she 32; in their voluminous and quite playful correspondence, she called him the Author and he called her the Actress. It wasn't all play, of course. Turning serious during the first time in their married life they were apart, she wrote in full Stanislavskian effusion, "My soul aches when I remember the quiet anguish which seems so deeply seated in your soul." He replied that she was talking nonsense: no anguish detectable in his soul, if he even had a soul.

Her own anguish was patent: Chekhov was dying of tuberculosis contracted in his youth. For years he had been his own worst patient, refusing to admit that spitting up blood was evidence of consumption. All doubt, or pretense, vanished when, during a luncheon with Suvorin in 1897, a torrential hemorrhage poured from Chekhov's throat. Knowing the now undeniable truth appeared to weaken Chekhov, although he continued to work hard. When he married, he said that he was more suited to be a grandfather than a husband.

He and Olga spent as much time apart as together, as she lived the glittering footloose life of a celebrated actress, while he remained home in Yalta. When she suffered a miscarriage, the child was almost certainly another man's. Yet she was at Chekhov's bedside in July 1904, in a hotel room in the German spa of Badenweiler, when he announced in curt German that he was dying, drained a glass of champagne, turned onto his side, and expired without fanfare. The railroad boxcar taking his coffin to St. Petersburg bore the inscription FRESH OYSTERS. As dog

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owners occasionally come to resemble their pets, so writers' lives sometimes come to look startlingly like their work.

Death hovers ever near in Chekhov's fiction and drama, but what obsesses him most is living death, the despair of misspent existence. The plays focus and amplify the two intertwined questions that Chekhov turned to again and again in his stories: How should we live, and why aren't we living that way now? Chekhov composes variations on a theme of impotence. None of his characters summons from within himself the wisdom and strength that living well demands; everyone longs for something vastly finer than he's got, but ends up with pretty much what he deserves.

The Seagull opens with a young woman telling the ill-favored schoolteacher who loves her that she wears black because she is in mourning for her life; this funereal note rings throughout the play. The aspiring playwright Treplyov loves Nina; however, infatuated with the thought of artistic fame and wishing for a life on the stage, she throws him over for the older and far more distinguished novelist Trigorin, whose mistress is Treplyov's mother, the famous actress Arkadina. Nina has Trigorin's child, but the baby dies and Trigorin leaves her to return to Arkadina. After Nina comes to tell Treplyov how she still loves Trigorin but has made a substantial life for herself despite her romantic disappointment, by her discovering what a serious artistic vocation means, Treplyov realizes his own hopes for love and literary accomplishment are doomed, and he shoots himself for the second time in the play, finally to the desired effect.

In *Uncle Vanya*, around the gout-ridden and imperious Professor Serebryakov and his beautiful young second wife, assorted unfortunates circle haplessly, like flotsam in a whirlpool. Vanya is Serebryakov's brother-in-law through the professor's first marriage; pushing 50, he has never married and has sacrificed his own intellectual ambitions to the dutiful management of Serebryakov's estate. When Serebryakov announces his intention of selling the estate out from under his impoverished relatives, Vanya's squeal of self-pity appalls even himself: "My life is wasted! I'm talented, intelligent, audacious. . . . If I had had a normal life, I might have evolved into a Schopenhauer, a Dostoyevsky. . . . What a damn fool thing to say! I'm losing my mind. . . . Mommy, I'm desperate! Mommy!" [Chekhov's ellipses.] Enraged by Serebryakov's ingratitude, Vanya grabs a pistol and fires a couple rounds in the professor's direction, then collapses in despair.

Sonya's vision of eternal happiness to follow a life of heartache famously ends the play: "Uncle Vanya, we will go on living. We will live through a long, long series of days, no end of evenings; we will patiently bear the ordeals that Fate sends us; we will labor for others both now and in our old age, knowing no rest, but when our time comes, we will die meekly, and beyond the grave we will tell how we suffered, how we wept, how bitter we felt, and God will take pity on us, and you and I, Uncle Vanya, dear Uncle, shall see a life bright, beautiful, exquisite, we shall rejoice and look upon our present unhappiness with forbearance, with a smile—and we'll be at peace."

In *Three Sisters*, the four grown children of the late General Prozorov—Olga, Masha, Irina, and Andrey—mark time in a provincial backwater, rapturously dreaming of Moscow; for Chekhov, real life always lies elsewhere. In the town where they are stuck, Andrey moans, not one remarkable person has relieved the pall of dullness and mediocrity. A collection of officers from the local garrison calls regularly at the Prozorov house, adding a touch of erotic intrigue and making happiness seem possible: Lieutenant Colonel Vershinin, whose wife is mentally ill, loves the tempestuous Masha, who is married to a schoolmaster she despises; Lieutenant Tusenbach, a baron of sublime moral stature but unprepossessing appearance, loves the young Irina, but so does Captain Solyony, madcap and repulsive, who hates Tusenbach and taunts him unforgivably.

The men are given to philosophizing in a bluff, soldierly way, and the women egg on their speculations. Vershinin believes that only in the radiant future, many generations hence, will people at last be happy. Tusenbach contradicts him, and insists that life will always be the same as it has always been: "Birds of passage, cranes for instance, fly on and on, and whatever thoughts, sublime or trivial, may drift through their heads, they'll keep on flying and never know what for or where to." Masha retorts that life without some definite belief is pointless, and Tusenbach responds, "The point . . . Look, there's snow falling. What's the point of that?" [Chekhov's ellipsis.] With this exchange Chekhov divides the world into two camps. Some minds hunger for a reason to go on living, while others yearn for more and more life just as it is.

The pursuit of happiness preoccupies Chekhov's characters endlessly; the possession of happiness unfailingly eludes them. One morning the garrison moves on to another town. Vershinin leaves Masha, who loves him as intensely as he does her. Tusenbach is leaving the army to marry Irina; however, the malignant Solyony goads Tusenbach into a duel and kills him. Olga, who has never known a man's love, consoles her agonized sisters as best she can: "Oh, dear sisters, this life of ours is not over yet. Let's go on living! The music plays so gaily, so cheerfully, and it seems as if, just a little while longer and we shall learn why we're alive, why we suffer . . . If only we knew, if only we knew!" [Chekhov's ellipsis.] But to live in sadness without knowing why is the inescapable plight of Chekhov's souls, tormented by the killing ordinariness of their days.

The Cherry Orchard is a mocking elegy for the landed gentry, elegant, inane, and hopeless—doomed to lose their archaically gracious way of life to the new commercial energies surging up from the lower social reaches. Lyubov Andreyevna Ranevskaya, who fled her home for Paris five years before, trying to escape the memory of her husband's fatal alcoholism and her young son's drowning, returns to the old manse with its nonpareil cherry orchard, only

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to find that the mortgage cannot be met—her faithless lover squandered her fortune—and the estate will be put up for auction. Lopakhin, a local business wheel whose father and grandfather had been serfs on the estate, tries to convince Ranevskaya and her brother, the loopy billiards fanatic Gaev, to avoid the auction, cut down the cherry orchard, and lease the land for vacation cottages. The aristocrats find Lopakhin's scheme unthinkably vulgar, and they lose the estate—to Lopakhin. He will level the orchard, build those cottages, and add to his fortune; Gaev will work for the first time in his life, in a bank, and Ranevskaya returns to Paris and her reprobate lover. The play ends with an aged and ill family servant, Firs, inadvertently locked in the house after everyone else has gone.

Chekhov was surely right to fault Stanislavsky for overlooking the comic aspect of this play. Even the earnest talk about how best to live pulls sharply toward the ridiculous. The perpetual student Trofimov carries on about the coming age of the working man and tells Ranevskaya's lovely daughter that souls pure as theirs are above love, while she aches to be kissed. The inept accountant Yepikhodov drones his way into matters of life and death, which seem laughable in so inconsequential a creature: "I'm a cultured person, I read all kinds of remarkable books, but somehow I can't figure out my inclinations, what I want personally, to live or to shoot myself, speaking on my own behalf, nevertheless I always carry a revolver on my person. Here it is." For the likes of him, death wouldn't be much different from living.

The unlived life is the central tragedy for Chekhov: and the punishment for failure is the life you do live, wanly, tepidly, with false hope or no hope at all. The good everyone seeks, usually in vain, is always one of the goods of this world: love, success in work, energy, excitement, conviviality, elegance, graciousness, animal spirits. The search for wisdom takes the form of casual talk about everyday activities: how to live through a succession of perfectly ordinary days is the object of this homely philosophizing. Salvation is to be had here and now, or not at all; eternity offers only interminable nothingness, whose sole consolation is that you will no longer spend your days and nights regretting your failure to live as you should.

For Chekhov, unlike Sartre, hell is not other people: Hell is yourself, but its fires are intensified by the other people around you, especially those you love most; and this is the hottest hell not because you cannot be your true self in this company, but because among these intimates, who all know you to the bitter core, pretense is impossible and your true self is inescapable. To stand emotionally naked in polite company—like Treplyov crossed in love, Vanya considering his wasted life and opening fire on his tormentor, Ranevskaya weeping for the home she must leave—is to be not only tragically vulnerable but also ludicrous.

The spectacle of dwindling vitality and disappointed hope makes you think on the one hand, Yes, isn't life inevitably like that, no one escapes this sadness; yet on the other hand, you cannot help but say, What is wrong with these people? What Chekhov describes is the disenchantment of liberal hopefulness. The liberal reformer, whom Ivanov exemplifies, overestimates his powers of moral suasion and underestimates the intractability of the human material he attempts to reshape. When he fails to fulfill the ambitions of his public life, he places the full weight of his desire on the frail shoulders of private life, of love and domesticity; but there too he fails. He ends in nihilism as Nietzsche defined it: The world that should exist does not, the world that does exist should not, and under those circumstances life is intolerable. David Hare, among others, insists that Chekhov is displaying the wounds of a particular time and place. But Chekhov's reach extends further than Russia at the turn of the 20th century, for he renders the failure of the liberal soul, or want of soul, as it has existed throughout the modern world.

Chekhov knows that soul, or soullessness, intimately; it is his own. In a letter to the writer and editor Alexey Pleshcheyev in 1888, Chekhov professes his creed: "My holy of holies is the human body, good health, intelligence, talent, inspiration, love, and complete freedom—freedom from violence and lies, no matter what form these two last may take." But can these be enough to sustain a life of high purpose?

When Chekhov reconsiders his own life, the answer is distressing. Four years later, writing to Alexey Suvorin, Chekhov compares the great writers of the past, whose art had some noble aim—perhaps an immediate goal like the abolition of serfdom or national liberation, perhaps a distant one like knowledge of God or the happiness of mankind—to the artists of his day, including himself: "We describe life as it is, but once we have done that—whoa there! We dig in our heels and won't budge another inch, however hard you whip us! We have neither immediate nor distant goals, our souls are empty. We have no politics, we don't believe in revolution, we have no God, we're not afraid of ghosts, and personally I don't even fear blindness or death. A man who desires nothing, hopes for nothing, and fears nothing cannot be an artist."

Judging himself by the same standard David Hare uses, Chekhov pronounces his art sadly wanting; the great artists, he believes, are indeed passionate moralists, but he is something else. Simply to tell the truth as he does, to render faithfully the living reality, is not good enough in his eyes. His art lacks vital force because he is not a whole man. To portray pallid and forlorn modern specimens is as much as an etiolated type like him can manage. The real artists, such as Tolstoy and Dostoyevsky, not only possess a knowledge of run-of-the-mill spiritual pathology and even profound evil, but also cherish a vision of man at his highest. Chekhov's highest is middling at best. To be Chekhov, Chekhov confesses, is to be less than fully alive.

Our own estimate of his powers and his achievement cannot be so unforgiving; for where would that leave *us*? Yet our admiration for him, this good democrat most like ourselves, must take into account the sad fact that he did not believe himself worthy of such admiration. ♦

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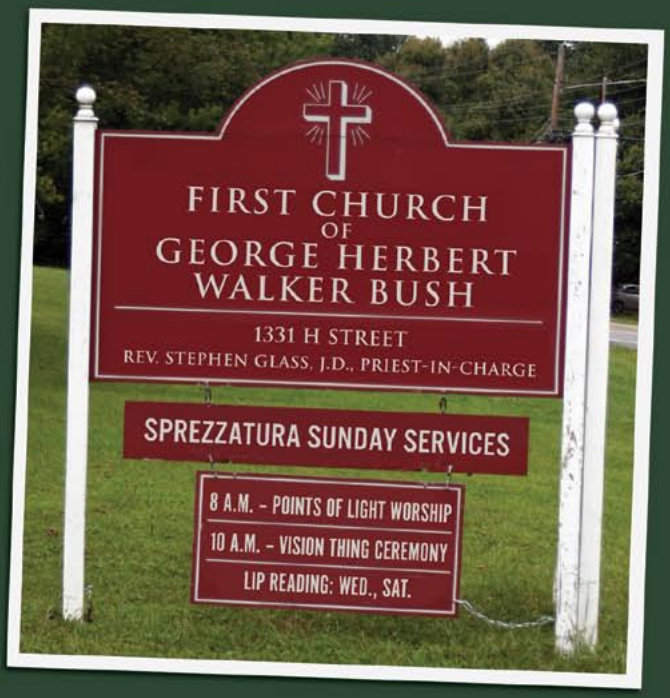
Parody

Lyndsay Moseley was no longer inspired by the evangelical Christian faith of her youth. As an environmental activist, she believed that it offered little spiritual support for her work and was overly focused on opposing abortion and gay marriage. Then . . . she discovered Brian D. McLaren of Laurel, one of contemporary Christianity's hottest authors and founding pastor of Cedar Ridge Community Church. . . . "He always talks about the environment as a priority when he talks about the church being relevant to the world," Moseley said. **—Washington Post, *September 10, 2006***



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